

**Court No. - 48**

**Case :-** CRIMINAL MISC. BAIL APPLICATION No. - 26307 of 2023

**Applicant :-** Prem Shankar

**Opposite Party :-** State of U.P.

**Counsel for Applicant :-** Umendra Kumar Yadav

**Counsel for Opposite Party :-** G.A.

**Hon'ble Saurabh Shyam Shamshery, J.**

1. Heard Sri Umendra Kumar Yadav, learned counsel for applicant and Sri Paritosh Malviya, learned AGA for State.

2. This is second bail application filed by applicant-Prem Shankar in Case Crime No. 243 of 2020, under Sections 302, 452, 323, 504 IPC, Police Station Nigohi, District Shahjahnapur. First bail application for applicant was rejected vide order dated 20.05.2022 by giving following reasons:

*“7. In the backdrop of above discussion on law and submissions made by learned counsel for parties, there are specific allegations against the applicant as alleged in the FIR as well as in the statement of the injured recorded during the investigation. The applicant along with other accused persons assaulted the deceased and the applicant caused fire-arm injuries to him, which is supported by post-mortem report of the deceased, therefore, I do not find merit in the argument of learned counsel for applicant that case could travel beyond the offence under Section 304 I.P.C.*

*8. Accordingly, it is not a fit case where bail can be granted to the applicant.”*

3. In pursuance of an order passed by this Court, Trial Court has submitted report with regard to present status of trial that out of 16 proposed prosecution witnesses, six have been examined and within five months trial would be concluded.

4. Argument of learned counsel for applicant that in the cross-examination PW-1 (complainant as well as injured witness) made vital contradictions, cannot be considered at this stage since it has been pointed out by learned AGA that said witness remained consistent in his examination-in-chief.

5. In aforesaid circumstances, there is no ground to allow this second bail application. It is accordingly dismissed.

6. However, Trial Court will take all endeavour to conclude trial within six months from today, if there is no legal impediment.

**Order Date :- 21.11.2023**

AK