

Court No. - 70

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 35922 of 2021

Applicant :- Amarjeet Rajbhar

Opposite Party :- State of U.P.

Counsel for Applicant :- Babu Lal Ram, Chandra Bhan, Indra Sen Singh Vatsa

Counsel for Opposite Party :- G.A., Vinay Kumar Pandey

Hon'ble Sameer Jain, J.

1. Heard Sri Babu Lal Ram, learned counsel for the applicant and Sri Ravi Kant Kushwaha, learned AGA for the State.

2. The instant bail application has been filed seeking release of the applicant on bail in Case Crime No. 157 of 2019, under Sections 302, 504, 506, 324, 323, 147, 148, 34 IPC and 4/25 Arms Act, Police Station Sarpatahan, District Jaunpur during pendency of the trial.

3. Learned counsel for the applicant submitted that this is second bail application filed on behalf of the applicant. The first bail application of the applicant was dismissed by the co-ordinate Bench of this Court on merit vide order dated 01.02.2021 and he is pressing the instant second bail application on the ground that applicant is in jail since 23.06.2019 i.e. for more than four years and till date only one prosecution witness could be examined, therefore, it appears that trial of the case is moving with languid pace and there is no hope of its early disposal.

4. Per contra, learned AGA opposed the prayer for bail and submitted that after considering the entire facts of the case the first bail application of the applicant was dismissed by this Court vide order dated 01.02.2021 and it is a case of Section 302 IPC, in which, minimum punishment is life imprisonment, therefore, merely on the basis of long incarceration, applicant should not be released on bail.

5. I have heard learned counsel for the parties and perused the record of the case.

6. Although, applicant is in jail for more than four years and till

date only one prosecution witness could be examined but this is second bail application and first bail application of the applicant was dismissed on merit by this Court after considering the entire facts of the case, therefore, I am not inclined to release the applicant on bail.

7. Accordingly, the instant bail application is rejected.

8. However, considering the fact that applicant is in jail for more than four years, trial court is directed to conclude the trial of the case within a period of one year from the date of production of certified copy of this order strictly as per provision of Section 309 Cr.P.C. on day to-day basis without granting any unnecessary adjournments to either of the parties, if there is no legal impediment.

9. It is clarified that the observations made herein are limited to the facts brought in by the parties pertaining to the disposal of bail application and the said observations shall have no bearing on the merits of the case during trial.

Order Date :- 13.10.2023

AK Pandey