

Neutral Citation No. - 2023:AHC:208772

Reserved On:- 13.10.2023

Delivered On:-01.11.2023

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 33357 of 2023

Applicant :- Kaushal @ Dharmendra Sisodiya

Opposite Party :- State of U.P.

Counsel for Applicant :- Inder Pal Singh Tomar, Anjali Singh Tomer

Counsel for Opposite Party :- G.A., Akhilesh Srivastava, Sanjay Mishra

Hon'ble Siddharth, J.

1. Heard Ms. Anjali Singh Tomar, learned counsel for the applicant; Sri G.N. Kanaujiya, the learned AGA-1 for the State and perused the material placed on record.
2. The instant bail application has been filed on behalf of the applicant, **Kaushal @ Dharmendra Sisodiya**, with a prayer to release him on bail in **Case Crime No. 364 of 2022, under Sections 147, 148, 149, 302, 307, 323, 504 IPC, Police Station- Sikandrara, District- Hathras**, during pendency of trial.
3. There is allegation in FIR that on 12.07.2022 at about 4:00 pm co-accused, Kaushal @ Dharmendra, was abusing the brother of informant after consuming liquor. When his brother protested the co-accused aforesaid started beating him. On account of aforesaid incident on next day i.e., 13.07.2022, at about 10:00 pm co-accused, Kaushal @ Dharmendra, alongwith his family members, namely, Babloo @ Rajesh Pratap, Harish, Arvind, Aman, Surjeet and Arun with common object armed with licensed and unlicensed five weapons came on the door of the house of the informant and started abusing his brother. Thereafter, they fired on the brother and informant. Shayamu, Veer Pal and Parvesh, present on the spot also got injured. Jaikishan, aged about 12 years, who was standing there, died on the spot. Rahul and Ramu, who tried to save the aforesaid child were also beaten by butt of the gun.
4. From the allegations on record, it is clear that the applicant is the main accused and motive of commission of the alleged offence has been assigned to him. It is not a fit case for grant of bail at this stage.

5. The bail application is accordingly, **rejected**.
6. The trial court is directed to conclude the trial against the applicant as expeditiously as possible, preferable within a period of one year from the date of production of certified copy of this order.
7. **Registrar(Compliance) is directed to communicate this order to the concerned court below within ten days.**

Order Date :-01.11.2023

Abhishek