

**Court No. - 69**

**Case :-** CRIMINAL MISC. BAIL APPLICATION No. - 40564 of 2022

**Applicant :-** Umesh Ram

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

**Counsel for Applicant :-** Sanjeev Kumar Singh

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

**Hon'ble Samit Gopal,J.**

1. List revised.

2. Heard Sri Sanjeev Kumar Singh, learned counsel for the applicant, Sri Ram Prakash Shukla, learned counsel for the State and perused the material on record.

3. This bail application under Section 439 of Code of Criminal Procedure has been filed by the applicant-Umesh Ram, seeking enlargement on bail during trial in connection with Case Crime No.94 of 2022, under Sections 302, 201, 120-B IPC, registered at Police Station Gulriha, District Gorakhpur.

4. The FIR of the matter was lodged on 13.3.2022 by Koel Yadav against the applicant, Prabhu and one unknown person alleging therein that his brother Vinod Yadav was living with his family. He had suspicion that his wife Chinta was talking with Umesh due to which there was dispute between them. On 11.3.2022 Vinod came to his house and due to the said reason there was fight between Vinod and his wife and then he went away from the house by stating that he would ask Umesh. On 12.3.2022 in the morning he received an information that the body of his brother Vinod is being taken on a cart by Umesh and his associate. On 11/12.3.2022 in the night when they were going for concealing the body, they were interrupted by Arvind Gupta on which they left the cart and ran. The informant identified the body of deceased.

5. Learned counsel for the applicant argued that the applicant has been falsely implicated in the present case. It is argued that although the deceased was found to have received six injuries on his body but the implication of the applicant in the present matter is on the ground of suspicion only. Co-accused Ramesh Ram has been granted bail by coordinate Bench of this Court vide order dated 3.3.2023 passed in Criminal Misc. Bail Application No.39526 of 2022, copy of the same produced by learned counsel for the applicant is taken on record. It has also been pointed out

that the applicant is not having any criminal history as stated in para 16 of the affidavit and is in jail since 13.3.2022.

6. Per contra learned counsel for the State vehemently opposed the prayer for bail and argued that Arvind Gupta is a witness who saw the applicant and one co-accused taking the dead-body of the deceased on a cart after which on his asking, they left the body and ran away. The applicant is named in the FIR, as such bail application of the applicant be rejected.

7. After hearing the counsel for the parties and perusing the record, it is evident that the applicant is named in the FIR. There is one witness who had seen the applicant while taking the dead-body. In so far as co-accused who has been granted bail is concerned, he was not named in the FIR, as such the case of the applicant is distinguishable with that of co-accused Ramesh Ram.

8. Looking to the facts and circumstances of the case, I do not find it a fit case for bail, hence, the bail application is **rejected**.

(Samit Gopal, J.)

**Order Date :-** 29.11.2023  
Gaurav Kuls