

Court No. - 70

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 41288 of 2022

Applicant :- Aman Tripathi Alias Happi Tripathi

Opposite Party :- State of U.P.

Counsel for Applicant :- Narendra Singh Chahar,A.C.Tiwari(Ac)

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

Hon'ble Sameer Jain,J.

1. Supplementary affidavit filed today on behalf of the applicant is taken on record.
2. Heard Sri A.C.Tiwari(Ac), learned counsel for the applicant, Sri Pradeep Kumar Pandey, learned counsel for the informant and Sri Shatrughna Yadav, learned AGA for the State.
3. The instant bail application has been filed seeking release of the applicant on bail in Case Crime No. 67 of 2020, under Sections 302 IPC, Police Station Lalapur, District Prayagraj during pendency of the trial.
4. Learned counsel for the applicant submits that this is the second bail application of the applicant and first bail application of the applicant has been dismissed by this Court on 12.4.2022 in Criminal Misc. Bail Application No. 41816 of 2021 (Aman Tripathi @ Happi Tripathi Vs. State of U.P.). He further submits that applicant is in jail since 4.7.2020 i.e. for more than three years and trial of the case could not be concluded till date.
5. He further submits although in the FIR there were five accused were named including applicant but during investigation the nomination of all the accused persons except applicant was found false and charge sheet was filed only against applicant and Suraj.
6. He further submits that complicity of Suraj was revealed during

investigation. He further submits that bail application of Suraj has already been allowed by this Court vide order dated 8.1.2021 in Criminal Misc. Bail Application No. 46896 of 2020 (Suraj Kumar Tiwari Vs. State of U.P.) even before rejection of the first bail application.

7. He further submits that considering the long incarceration of the applicant, he may be released on bail.

8. Per contra, learned AGA as well as learned counsel for the informant opposed the prayer for bail and submitted that this is the second bail application of the applicant and first bail application of the applicant has been dismissed by this Court on merits and applicant is the person who was attributed the role of firing in the FIR and as far as the bail of co-accused Suraj is concerned, he was not named and therefore applicant cannot claim parity with him. He further submits that applicant is also having criminal history of six cases.

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

10. This is the second bail application of the applicant and first bail application of the applicant has been dismissed by this Court on merit and from the record it reflects that applicant opened fire upon the deceased and with regard to the applicant prosecution case is consistent since beginning and applicant is having criminal history of six cases.

11. Therefore, considering the facts and circumstances and circumstances of the case discussed above, in my view, applicant is not entitled to be released on bail.

12. Accordingly, the bail application is **rejected**.

13. However, considering the fact that applicant is in jail for more than three years, trial court is directed to conclude the trial of the

case within nine months from the date of production of certified copy of this order strictly as per provision of Section 309 Cr.P.C. in accordance with law, if there is no legal impediment.

Order Date :- 12.10.2023

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