

Court No. - 70

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 42093 of 2022

Applicant :- Lakshiman Alias Bawan

Opposite Party :- State of U.P.

Counsel for Applicant :- Saksham Srivastava, Salma Bano

Counsel for Opposite Party :- G.A.

Hon'ble Sameer Jain, J.

1. Heard Ms. Salma Bano Rizvi, learned counsel for the applicant and Sri Shatrughan Yadav, learned A.G.A. for the state
2. The instant bail application has been filed on behalf of the applicant seeking release on bail in Case Crime No.106 of 2021 under section 302 IPC, Police Station Ghorawal, District Sonbhadra.
3. FIR of the present case was lodged against the applicant and his wife and according to the FIR, applicant is uncle of the deceased and he caused injury to the diseased with a spade (*favda*).
4. Learned counsel for the applicant submits that entire allegations made against the applicant are totally false and baseless and due to some family dispute, the applicant who is uncle of the deceased, has been falsely implicated in the present matter along with his wife.
5. He further submits that applicant is not having any previous criminal history and he is in jail since 18.10.2021 i.e. for almost two years.
6. *Per contra*, learned A.G.A. opposed the prayer for bail and submits that applicant is the person who caused spade injuries to the deceased and postmortem report also corroborates the version of the FIR.
7. I have heard both sides and perused the record.
8. Considering the facts and circumstances of the case and the allegations against the applicant that he inflicted spade injuries to his nephew due to which he died and the postmortem report also corroborates the version of the FIR, in my view, the applicant is not entitled to be released on bail. The instant bail application is ***rejected***.

Order Date :- 16.10.2023/Madhurima