

Court No. - 69

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 48480 of 2023

Applicant :- Lalman Nishad

Opposite Party :- State of U.P.

Counsel for Applicant :- Dinesh Yadav

Counsel for Opposite Party :- G.A.

Hon'ble Samit Gopal,J.

1. List revised.
2. Heard Sri Sunil Kumar, Advocate, holding brief of Sri Dinesh Yadav, 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 **Lalman Nishad**, seeking enlargement on bail during trial in connection with Case Crime No. 169 of 2022, under Sections 498-A, 304-B, 201 IPC and 3/4 D.P. Act, registered at P.S. Khutahan, District Jaunpur.
4. The FIR of the matter was lodged on 13.07.2022 by Mahendra Prasad Nishad against the applicant/husband, Harman Nishad/jeth and Arti Nishad/jethani with the allegation that his daughter Ranjana Nishad was married to the applicant in the year 2018 and since then the accused persons used to torture her because of demand of dowry. Due to dowry on 12.07.2022 they have murdered his daughter Ranjana Nishad. He received an information through a distant relative in afternoon about his daughter being murdered and the body being disposed of. On an information he went to the house of the accused persons but no one was there. The FIR has thus been lodged.
5. Learned counsel for the applicant argued that although the applicant is the husband of the deceased Ranjana Nishad but has been falsely implicated in the present case. It is argued that in so far as the marriage is concerned although in the FIR it is stated that the same was solemnized in the year 2018 but some witnesses have stated of the marriage being solemnized on 21.11.2019. It is argued that the first informant states of the marriage being solemnized on 21.11.2018. It is argued that as such the exact date is not known. It is argued that the deceased and the applicant were leading a happy married life as is evident from the fact that one child was born from the wedlock. It is further argued while placing para 11 of the affidavit in support of the bail application that the

victim being deceased was bitten by snake and on an information of the applicant to her father and other family members, the dead body was burnt on their information and in their presence. It is argued that since the applicant has a child from the wedlock with the deceased there are no chances of his remarriage. It is further argued that there is no specification in the FIR as to what was the exact demand of dowry. It is argued that charge sheet in the matter has been submitted against the applicant and as such there are no chances of the applicant tampering with evidence. He further argued that the applicant has no criminal history as stated in para 14 of the affidavit and is in jail since 20.07.2022.

6. Per contra, learned counsel for the State vehemently opposed the prayer for bail and argued that the date of marriage has been stated by the first informant in his statement recorded under Section 161 Cr.P.C. as 21.11.2018. It is argued that even in any event the factum of marriage of the applicant with the deceased is not disputed as such the year of marriage being of 2018 or 2019 would not have much difference. It is argued that during investigation it has surfaced that there was a demand of Rs. 1 lakh and a motorcycle as dowry. It is further argued that the death of the deceased has taken place in her matrimonial house within seven years of marriage and the same is unnatural death. It is argued that there is nothing on record to show that there was a snake bite due to which the deceased died. It is argued that the applicant is the husband of the deceased. It is argued that there is no reason for false implication of the applicant and as such the prayer for bail of the applicant be rejected.

7. After having heard learned counsels for the parties and perusing the records, it is evident that the applicant is the husband of the deceased. The deceased died within seven years of marriage in her matrimonial house. There is nothing on record to show as to how the deceased died as the dead body was cremated. The FIR states the dead body was cremated prior to information to the informant and his family members. The factum regarding the deceased dying due to snake bite does not in any manner have any corroboration. I do not find it a fit case for bail.

8. Considering the totality of the case in particular, nature of evidence available on record, I am not inclined to release the applicant on bail.

9. The bail application is, accordingly, ***rejected***.

Order Date :- 28.11.2023/M. ARIF

(Samit Gopal, J.)