

Neutral Citation No. - 2023:AHC:223375

Reserved on 22.11.2023

Delivered on 24.11.2023

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 38344 of 2023

Applicant :- Mansingh And Another

Opposite Party :- State of U.P.

Counsel for Applicant :- Sanjay Kumar Yadav

Counsel for Opposite Party :- G.A., Amaresh Yadava

Hon'ble Siddharth,J.

Heard Sri Sanjay Kumar Yadav, learned counsel for the applicants; Sri Amaresh Yadava, learned counsel for the informant; learned AGA for the State and perused the material placed on record.

The instant bail application has been filed on behalf of the applicants, **Mansingh and Santosh**, with a prayer to release their on bail in **Case Crime No. 163 of 2023, under Sections 323, 308, 504, 506, 34, 304 IPC, Police Station Deedarganj, District- Azamgarh**, during pendency of trial.

There is allegation in the FIR that on 23.6.2023 at about 05:00 p.m. son of the informant, Amit, aged about 23 years, was coming back to his house from work, when on account of old enmity, the collaterals of the informant, applicants, Mansingh and Santosh s/o Ramswarath, co-accused, Rohit, s/o Mansingh, brother-in-law of Mansingh, Sarmit and brother-in-law of Santosh, Deepak, came on four wheeler and stopped him in the way. They beated him by *lathi-danda* and hockey as a result of which he suffered serious injuries on his head and he became unconscious. After hearing the noise, brothers of the informant, Om Prakash and Ramswarath, came on the scene. They were abused and badly beaten. All of them suffered injuries on back, chest and other parts of body. All the injureds were taken to the hospital. Accused persons threatened them of life.

Learned counsel for the applicants has submitted that it is a case of false implication. The deceased, Ramswarath, is father of the applicants and also father of the informant. Both parties belong to same family. The dispute took place all of sudden. There was no intention to cause the murder of the deceased. He has submitted that co-accused, Rohit and Sarmit, have already been enlarged on bail by co-ordinate Bench of this Court in Criminal Misc. Bail

Application No.37130 of 2023. The applicants have been falsely implicated this case. They are in jail since 26.6.2023.

Learned counsel for the informant and learned A.G.A. have vehemently opposed the prayer for bail of the applicants and submitted that co-accused, who have been enlarged on bail, were not the members of the family of the applicant and the informant. The applicants have criminal history of one case explained in paragraph no.8 of the counter affidavit. He has submitted that when the son of the informant was being beaten his father and his brothers tried to save him and they were also beaten. The father of the applicant had died. The applicants have murdered their own father and hence they do not deserves to be enlarged on bail

This Court after hearing the learned counsels for the parties does not finds any ground for enlarging the applicant on bail at this stage.

The bail application is accordingly rejected.

The court below is directed to conclude the trial against the applicant, as expeditiously as possible, preferably within a period of six months from the date of production of certified copy of this order.

Order Date :- 24.11.2023

Ruchi Agrahari