

Court No. - 85

Case :- CRIMINAL APPEAL No. - 8886 of 2023

Appellant :- Narsingh Srivastava

Respondent :- State of U.P. and Another

Counsel for Appellant :- Ravindra Prakash Srivastava

Counsel for Respondent :- G.A., Bashisth Narain Pandey

Hon'ble Mayank Kumar Jain, J.

Heard learned counsel for the appellant, Sri Basishtha Narain Pandey, learned counsel for the informant/opposite party no.2, learned Additional Government Advocate for the State of U.P. and perused the record.

This criminal appeal under Section 14-A(2) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act has been preferred by the appellant with the prayer to set aside the bail rejection order dated 31.07.2023 passed by Exclusive Special Judge (SC/ST Act), Basti in Bail Application No.1447 of 2023, arising out of Case Crime No. 160 of 2023, under Sections 323, 304/34 I.P.C. and 3 (1) (s), 3 (2) (v), 3 (2) (Va) of SC/ST, Police Station Purani Basti, District Basti.

As per the version of prosecution on 09.07.2023, the son of the informant namely Amarnath alongwith grand son of the informant namely Ajeet was going from Bade Van towards Rudhauili by driving his auto. At around 12.20 pm in the noon when he reached at Manauri crossing, then some passengers of another auto-rickshaw seated in the auto-rickshaw of

informant's son then the driver of another auto-rickshaw with his other friends came and caused injury to the son of informant and pushed him due to which he fell down and received serious injuries. The son of the informant was brought at District Hospital where doctors declared him dead.

It is submitted by the learned counsel for the appellant that appellant is innocent and he has been falsely implicated in the present case. It is further submitted that appellant has no intention or motive to cause injury to the son of informant. The son of the informant himself fell down and received head injury due to which he died. It is further submitted that no specific role has been assigned to the appellant. There were some other auto-rickshaw drivers who gathered at the spot, therefore, it cannot be said that who pushed the deceased Amarnath. The appellant is languishing in jail since 10.07.2023 having no criminal history and in case he is released on bail, he will not misuse the liberty of bail and will cooperate in the early disposal of the case.

Per contra, learned A.G.A. assisted by learned counsel for the informant vehemently opposed the prayer for bail contending that appellant is named in the F.I.R. On account of injury caused by the appellant, the son of informant namely Amarnath died. Witness Ajeet (grand son of the informant) was also accompanying with the deceased and he has also corroborated the version of first information

report. Hence, the appeal is liable to be dismissed.

Having regard to the facts and circumstances of the case, submissions of learned counsel for the parties and and keeping in view the nature of the offence, evidence, complicity of the accused, severity of punishment,, I do not find it fit case for bail.

Since the trial court has passed the impugned order after appreciating the evidence available on record, there is no occasion to interfere with the finding of fact recorded by the trial court, hence, the present criminal appeal lacks merit and deserves to be dismissed.

Accordingly, the criminal appeal is **dismissed**.

Order Date :- 1.11.2023/AKT