

Neutral Citation No. - 2023:AHC:232718

Reserved On:- 30.11.2023

Delivered On:- 07.12.2023

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 40387 of 2023

Applicant :- Dharmendra Kumar

Opposite Party :- State of U.P.

Counsel for Applicant :- Yadvesh Yadav

Counsel for Opposite Party :- G.A.,Kumar Ankit Srivastava

Hon'ble Siddharth,J.

1. Heard Sri Yadvesh Yadav, learned counsel for the applicant; Sri Kumar Ankit Srivastava, learned counsel for informant and the learned A.G.A. for the State.

2. The instant bail application has been filed on behalf of the applicant, **Dharmendra Kumar**, with a prayer to release him on bail in **Case Crime No. 132 of 2023, under Sections- 364, 34, 147, 148, 201, 302 I.P.C., Police Station - Chaubeypur, District -Varanasi.**

3. Bail of co-accused, Karan Kumar, has been rejected by this Court by the following order:-

“1. Heard Sri Yadvesh Yadav, learned counsel for the applicant; Kumar Ankit Srivastava, learned counsel for informant and the learned A.G.A. for the State.

*2. The instant bail application has been filed on behalf of the applicant, **Karan Kumar**, with a prayer to release him on bail in **Case Crime No. 132 of 2023, under Sections- 364, 34, 147, 148, 201, 302 I.P.C., Police Station - Chaubeypur, District -Varanasi.***

3. There are allegations in FIR that named accused, namely, Dinesh, Rajesh, Pintu, Sahib, Golu and Shubham have caused the disappearance of the son of the informant, Rahul, aged about 22 years. On 09.04.2023, he had gone to place of his work at 7:00 am, but did not returned.

4. Learned counsel for applicant has submitted that it is a case of false implication of the applicant. He was not named in the FIR nor in the statement of informant. Learned counsel for applicant has submitted that the dead body recovered in the gunny bag from the river was in very

bad condition and no FSL report is there to prove that it was the dead body of the deceased, Rahul. The applicant has been falsely implicated in this case. He is languishing in jail since 17.04.2023 and he has no criminal history to his credit.

5. *Learned AGA and learned counsel for informant have vehemently opposed the prayer for bail of the applicant and submitted that there is call detail collected by the investigating officer which shows that all the accused persons were in touch with each other from 09.04.2023 to 10.04.2023. The motive for causing alleged offence was that the daughter of his brother, Dinesh, namely, Khusboo, was having relationship with the deceased, Rahul and despite all efforts deceased was not willing to part ways with Khusboo. The applicant in collusion with other co-accused conspired and caused alleged offence with common intention and caused disappearance of dead body of the deceased, Rahul. They have submitted that there is clear evidence against the applicant talked to co-accused, Dinesh, on his mobile phone prior to causing of the alleged offence. Therefore, he does not deserves to be enlarged on bail.*

6. *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**.*

7. *The trial court is directed to conclude the trial against the applicant as expeditiously as possible, preferable within a period of one year from the date of production of certified copy of this order.*

8. *Registrar(Compliance) is directed to communicate this order to the concerned court below within ten days."*

4. The applicant was also involved with above co-accused, Karan Kumar, in the alleged crime. On the basis of their call details collected by the investigating officer, he was implicated.

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

6. The bail application is accordingly, rejected.

7. The trial court is directed to conclude the trial against the applicant as expeditiously as possible, preferable within a period of one year from the date of production of certified copy of this order.

8. Registrar(Compliance) is directed to communicate this order to the concerned court below within ten days.

Order Date :-07.12.2023

Abhishek