

Court No. - 70

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 50772 of 2022

Applicant :- Ankit Kumar

Opposite Party :- State of U.P.

Counsel for Applicant :- Rajesh Kumar Singh

Counsel for Opposite Party :- G.A.,Dhirendra Kumar Verma

Hon'ble Sameer Jain,J.

1. None appeared on behalf of the informant even in revised call, however, learned AGA for the State is present.
2. Heard Sri Rajesh Kumar Singh, learned counsel for the applicant and Dr. S.B. Maurya, learned AGA-I for the State-respondent.
3. The instant application has been filed seeking release of the applicant on bail in Case Crime No. 194 of 2020, under Sections 363, 364, 302, 201 IPC, Police Station- Bisanda, District- Banda, during pendency of the trial in the court below.
4. Learned counsel for the applicant submitted that this is the second bail application filed on behalf of the applicant and his first bail application was dismissed on merit by this Court on 09.12.2021 and he is pressing the instant second bail application on the ground that after rejection of the first bail application of the applicant, co-accused Smt. Satrupa has been released on bail and dead body of the deceased was found in her house and, therefore, case of applicant is even at better footing than her.
5. He further submitted that it is a case of circumstantial evidence and there is no direct evidence against the applicant and except the confessional statement of the applicant, there is no other cogent evidence against the applicant.
6. He further submitted that earlier also applicant was made accused in two cases and out of two cases, in one case, he has been acquitted by the trial court and in another case, after investigation, final report was submitted. He further submitted that applicant is in jail in the present matter since 22.10.2020 i.e. for last more than three years.

7. Per contra, learned AGA although, opposed the prayer for bail but could not dispute the fact that after rejection of the first bail application of the applicant, bail application of co-accused Smt. Satrupa was allowed by co-ordinate Bench of this Court and from the house of co-accused Smt. Satrupa dead body of the deceased was recovered and except the confessional statement of applicant, there is no other evidence against the applicant on record. He further could not dispute the fact that applicant is in jail in the present matter since 22.10.2020.

8. I have heard learned counsel for the parties and perused the record of the case.

9. However, this is the second bail application filed on behalf of the applicant and his first bail application was dismissed on merit by this Court on 09.12.2022 but it appears that after rejection of the first bail application of the applicant, bail application of co-accused Smt. Satrupa has been allowed by co-ordinate Bench of this Court and from her house dead body was recovered.

10. Further, however, applicant was having previous criminal history of two cases but in one case, he has been acquitted by the trial court and in another case, after investigation, final report was submitted and his criminal history has been explained in the instant bail application.

11. Further, applicant is in jail in the present matter since October, 2020 i.e. for last more than three years.

12. Therefore, considering the facts and circumstances of the case discussed above, in my view, applicant is entitled to be released on bail.

13. Accordingly, without expressing any opinion on the merits of the case, the instant bail application is **allowed**.

14. Let the applicant- **Ankit Kumar** be released on bail in the aforesaid case on furnishing a personal bond and two sureties each in the like amount to the satisfaction of the court concerned with the following conditions:-

(i) The applicant shall appear before the trial court on the dates fixed, unless his personal presence is exempted.

(ii) The applicant shall not directly or indirectly, make inducement, threat or promise to any person acquainted with the facts of the

case so as to dissuade him from disclosing such facts to the Court or any police officer or tamper with the evidence.

(iii) The applicant shall not indulge in any criminal and anti-social activity.

15. In case of breach of any of the above condition, the prosecution will be at liberty to move an application before this Court for cancellation of the bail of the applicant.

16. It is clarified that the observations made herein are limited to the facts brought in by the parties pertaining to the disposal of bail application and the said observations shall have no bearing on the merits of the case during trial.

Order Date :- 11.12.2023

KK Patel