

**Court No. - 85**

**Case :-** CRIMINAL MISC. BAIL APPLICATION No. - 42128 of 2023

**Applicant :-** Rizwan Ahmad

**Opposite Party :-** State of U.P.

**Counsel for Applicant :-** Amar Singh Yadav, Dilnawaz Ahmad Khan

**Counsel for Opposite Party :-** G.A.

**Hon'ble Mayank Kumar Jain, J.**

1. Supplementary affidavit filed today by learned counsel for the applicant is taken on record.
2. Heard learned counsel for the applicant, learned A.G.A. for the State and perused the record.
3. The present second bail application has been filed on behalf of applicant in Case Crime No. 081 of 2023, under Sections- 3/5/8 of Cow Slaughter Act, Police Station- Ahraula, District- Azamgarh, with the prayer to enlarge the applicant on bail. First bail application was rejected by this Court vide order dated 02.06.2023 in Criminal Misc. Bail Application No. 20164 of 2023.
4. It has been argued by learned counsel for the applicant that the applicant is innocent and has been falsely implicated in the present case. Learned counsel for the applicant has submitted that after rejection of the bail of applicant on 02.06.2023, co-accused Saroj Nona, Kashi Nona, who are also named accused, have been granted bail by co-ordinate Benches of this Court vide order dated 06.06.2023 and 30.05.2023 in Criminal Misc. Bail Application No. 24240 of 2023 and 23042 of 2023, respectively and one more named accused, Dilshad @ Lallu has been granted anticipatory bail vide order dated 14.06.2023 passed in Criminal Misc. Anticipatory Bail Application No.5990 of 2023. It is further submitted that apart from the present one, applicant has criminal history of one case, which has been duly explained in para-3 of the supplementary affidavit. The applicant is languishing in jail since 26.03.2023 and that in case he is released on bail, he will not misuse the liberty of bail and will cooperate in trial.
5. Per contra, learned A.G.A. opposed the bail application of the

applicant and submitted that so far as the granting of bail to three co-accused persons, they were not arrested from the spot and their name was disclosed by the applicant himself. The applicant was named in the F.I.R. and was apprehended from the spot. All the aspects of the case has been considered in disposal of the bail application. The applicant has criminal history of two cases of similar nature. Hence, he is not liable to be enlarged on bail.

6. Considering the entire facts and circumstances of the case, submissions of learned counsel for the parties, nature of evidence and all attending facts and circumstances of the case, without expressing any opinion on merits of the case, I do not find any new or good ground in this second bail application to enlarge the applicant on bail.

7. Accordingly, the second bail application is **rejected**.

**Order Date :- 28.11.2023**

Saif