

**Court No. - 70**

**Case :-** CRIMINAL MISC. BAIL APPLICATION No. - 51590 of 2022

**Applicant :-** Arun Kumar Mishra

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

**Counsel for Applicant :-** Ghan Shyam Yadav

**Counsel for Opposite Party :-** G.A.,Arvind Kumar Mishra

**Hon'ble Sameer Jain,J.**

1. Supplementary affidavit filed today on behalf of the applicant is taken on record.

2. This is the second bail applicant filed on behalf of the applicant and his first bail application was dismissed by Hon'ble Justice Saurabh Shyam Shamsbery vide order dated 22.07.2021. From the record, it reflects that he released the instant second bail application and therefore, the instant second bail application is listed today before this Bench as this Bench is dealing with the matter pertains to provisions of Section 304-B IPC.

3. Heard Sri Ghan Shyam Yadav, learned counsel for the applicant, Sri Arvind Kumar Mishra, learned counsel for the informant and Sri Pradeep Kumar, learned AGA for the State-respondent.

4. The instant application has been filed seeking release of the applicant on bail in Case Crime No. 181 of 2019, under Sections 498-A, 304-B IPC & 3/4 D.P. Act, Police Station- Menhdawal, District- Sant Kabir Nagar, during pendency of the trial in the court below.

5. Learned counsel for the applicant submitted that this is the second bail application filed on behalf of the applicant and his first bail application has been dismissed by this Court on 22.07.2021 and he is pressing the instant second bail application mainly on the ground that applicant is in jail since 27.07.2019 i.e. for more than four years and till date, trial of the case could not be concluded. He further submitted that in the charge sheet, there are as many as 22 prosecution witnesses but till date, only two prosecution witnesses could be examined and therefore, it appears that trial of the case is moving with languid pace and there is no hope of its early disposal.

6. Per contra, learned AGA as well as learned counsel for the informant opposed the prayer for bail and submitted that applicant is the husband of the deceased and his wife died within three years of her marriage under abnormal circumstances due to burn injury and, therefore, merely on the ground of long incarceration of four years, applicant should not be released on bail.

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

8. This is the second bail application filed on behalf of the applicant and his first bail application has been dismissed by this Court on 22.07.2021 and from the record, it reflects that applicant is the husband of the deceased and his wife died within three years of her marriage under abnormal circumstances due to burn injury and there is also allegation of demand of dowry, therefore, I am not inclined to released the applicant on bail.

9. Accordingly, the instant bail application is **rejected**.

10. 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.

11. However, considering the fact that applicant is in jail for more than four years and trial of the case could not be concluded till date, trial court is directed to conclude the trial of the case within a period of eight months from the date of production of certified copy of this order, strictly as per the provisions of Section 309 Cr.P.C. on day-to-day basis without granting any unnecessary adjournment to either of the parties, if there is no legal impediment.

**Order Date :- 16.10.2023**

KK Patel