

Court No. - 48

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 46572 of 2023

Applicant :- Ramautar Nishad

Opposite Party :- State of U.P.

Counsel for Applicant :- Ram Kishor Gupta, Anjali Gupta

Counsel for Opposite Party :- G.A.

Hon'ble Saurabh Shyam Shamshery, J.

This is second bail application. First bail application was rejected on 12682 of 2023 and relevant part is reproduced hereinafter :-

"In the present case, daughter-in-law of applicant does not survive more than two years of her marriage. She died due to excessive burn injuries (97 to 98%). In the F.I.R. certain allegations are not made, however, it is well settled position of law that first information report is not an encyclopedia.

*There is substance in the argument of learned A.G.A. for State that statements recorded during investigation have specifically alleged about allegation of committing cruelty by applicant and co-accused in regard to demand of dowry which was continued even after a baby girl was born to victim, therefore, the Court cannot ignore said evidence, which appears to be cogent as well as taking note that though co-accused has been granted bail, however, reasons given in orders may not be in terms of **Manoj Kumar Khokhar(Supra)** and **Brijmani Devi(Supra)**, therefore, no case of parity is made out.*

*Therefore, applicant who is father-in-law, however, taking note of prima facie evidence on record against him, no case of bail is made out. Accordingly, bail application is **rejected**."*

Learned counsel for applicant submits that after first bail application was rejected on 26.5.2023, till date not a single witness has been examined and trial has been adjourned on various grounds despite summons, no witness has stand up.

In pursuance of order passed by this Court, a report has been submitted wherein aforesaid fact has been confirmed. The applicant is in jail since 07.12.2022 i.e. less than one year whereas

even minimum sentence for offence charged is seven years and taking note of nature of allegation and cause of death, therefore, I do not find any ground to grant bail at this stage, accordingly this bail application is rejected.

However, learned Trial Court is directed to take coercive measures to summon witness to expedite trial.

Applicant will have liberty to file fresh bail application after six months on basis of status of trial.

Order Date :- 23.11.2023

P. Pandey