

**Court No. - 73**

**Case :-** CRIMINAL MISC. BAIL APPLICATION No. - 45919 of 2023

**Applicant :-** Saurabh Singh

**Opposite Party :-** State Of U.P. And 3 Others

**Counsel for Applicant :-** Ajeet Kumar Singh

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

**Hon'ble Nalin Kumar Srivastava,J.**

1. Heard learned counsel for the applicant as well as learned A.G.A. for the State and perused the record.

2. This is a repeat bail application on behalf of the accused-applicant **Saurabh Singh** involved in Case Crime No. 60 of 2023, under Sections 363, 366, 376(3), 323, 120B & 342 IPC and Section 3/4 POCSO Act, Police Station Reoti, District Balia.

3. The first bail application of the accused-applicant has been decided on merits and it has been rejected by this Court *vide* order dated 05.06.2023 in Criminal Misc. Bail Application No. 22876 of 2023.

4. It is submitted by learned counsel for the accused-applicant that the new and additional ground for moving the second bail application is that now trial has started and during the course of trial, the prosecutrix of this case has been examined by the prosecution as PW-1 but she has not supported the prosecution version and has been declared hostile by the prosecution. Since the prosecutrix of this case has been a star witness of the prosecution and she has not supported the prosecution version in her deposition before this Court, *prima facie*, the innocence of the accused-applicant is affirmed and now he is entitled for regular bail on the aforesaid new and additional ground. It is further submitted that the applicant has been languishing in jail since 02.03.2023.

5. Per contra, learned State counsel has vehemently opposed the second bail application and submitted that the hostility of a witness before the Court does not necessarily mean that the whole prosecution story is false and frivolous. A large number of witnesses are yet to be examined by the prosecution and the hostility of the prosecutrix as prosecution witness does not certify

the entitlement of the present accused-applicant for grant of regular bail after rejection of the first regular bail application on merits.

6. Several other submissions have been made by the learned counsel for the accused-applicant which relate to the merits of the case. The factual aspect of the matter has been dealt with while deciding the first bail application by this Court vide order dated 05.06.2023. The new and additional ground in the form of hostility of PW-1, the victim, in my view is not a sufficient and cogent ground to allow the second regular bail application of the accused-applicant, particularly keeping in view the fact that a number of prosecution witnesses are yet to be examined.

7. Hence, I find no force in the second regular bail application of the accused-applicant and the application is, therefore, **rejected**. However, the trial court is directed to hear and decide the present case as expeditiously as possible without granting any unnecessary adjournment to any of the parties and if possible, within a period of six months from the date of production of certified copy of this order.

8. Registry is directed to send the true copy of this order to the court concerned.

**Order Date :- 30.11.2023**

Vijay