

Court No. - 69

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 52677 of 2023

Applicant :- Bipin Kumar

Opposite Party :- State of U.P.

Counsel for Applicant :- Shashi Bhushan, Smriti Shukla

Counsel for Opposite Party :- G.A.

Hon'ble Samit Gopal, J.

1. List revised.
2. Heard Ms. Smriti Shukla, learned counsel for the applicant, Sri Ajay Singh, learned AGA-I for the State and perused the material on record.
3. This bail application under Section 439 of Code of Criminal Procedure has been filed by the applicant **Bipin Kumar**, seeking enlargement on bail during trial in connection with Case Crime No. 595 of 2020, under Sections 498-A, 304-B, 201 IPC and 3/4 D.P. Act, registered at P.S. Dhanghata, District Sant Kabir Nagar.
4. The FIR of the matter was lodged on 05.10.2020 by Surender against the applicant, Nirmala Devi and Ramji Prasad alleging therein that his daughter Babita was married to the applicant on 19.05.2019 in which he gave dowry as per his status. The accused persons thereafter were demanding a motorcycle and Rs. 50,000/- as additional dowry. Due to non-fulfillment of the same, they used to beat, assault and torture his daughter. He went there and consoled them many times but they did not mend their ways. On 04.10.2020 at about 08:30 pm he was informed that his daughter died. He reached the place and found that her cremation has been done. The FIR has thus been lodged.
5. Learned counsel for the applicant argued that although the applicant is the husband of the deceased but he has been falsely implicated in the present case. It is argued that co-accused Ramji Prasad the father-in-law of the deceased has been granted bail by a co-ordinate Bench of this Court vide order dated 21.07.2022 passed in Crl. Misc. Bail Application No. 6223 of 2021 (Ramji Prasad Vs. State of U.P.), copy of the order is annexed as annexure 2 to the affidavit. Further, while placing the statement of PW-1

Surendra Kumar the first informant who is the father of the deceased it is argued that the said witness has stated that the deceased died by snake bite. It is argued by placing the said statement that there are contradictory statement given by the said witness and as such the statement is not trustworthy. It is argued that the deceased died due to snake bite after which she was being treated on the saying of the villagers by exorcism and when there was no improvement she was being taken her to the hospital but she died on the way. Para 6 of the affidavit has been placed before the Court. He further argued that the applicant has no criminal history as stated in para 19 of the affidavit and is in jail since 05.10.2020.

6. Per contra, learned counsel for the State opposed the prayer for bail and argued that the applicant is the husband of the deceased. It is argued that there is nothing on record to show that the deceased died due to snake bite. It is argued that the body was cremated and as such the cause of death could not be ascertained. The conduct of the applicant is deplorable. It is argued that the deceased died within seven years of marriage in her matrimonial house. It is argued that there is no reason for false implication of the applicant and as such the prayer for bail of the applicant be rejected.

7. After having heard learned counsels for the parties and perusing the records, it is evident that the applicant is the husband of the deceased. The deceased died within seven years of marriage in her matrimonial house. The case of the applicant is of death by snake bite but there is nothing on record to substantiate the same. Since the trial is under progress in which the statement of the first informant/PW-1 has been recorded, release of the applicant may have an adverse effect on the trial, I do not find it a fit case for bail.

8. Considering the totality of the case in particular, nature of evidence available on record, I am not inclined to release the applicant on bail.

9. The bail application is, accordingly, ***rejected***.

Order Date :- 8.12.2023

M. ARIF

(Samit Gopal, J.)