

Court No. - 70

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 47449 of 2023

Applicant :- Vinod Kumar

Opposite Party :- State of U.P.

Counsel for Applicant :- Ajai Kumar

Counsel for Opposite Party :- G.A.

Hon'ble Sameer Jain,J.

1. Heard Sri Ajai Kumar, learned counsel for the applicant and Dr. S.B. Maurya, learned AGA-I for the State-respondent.
2. The instant application has been filed seeking release of the applicant on bail in Case Crime No. 374 of 2023, under Sections 304, 201 IPC, Police Station- Saini, District- Kaushambi, during pendency of the trial in the court below.
3. FIR of the present case was lodged against applicant under Sections 304, 201 IPC on 26.08.2023 and according to the FIR, after marriage with the applicant, sister of the informant was residing with him for last 14-15 years and on 21.08.2023 during family dispute, she fell from the roof and died and applicant concealed her dead body in the bushes.
4. Learned counsel for the applicant submitted that applicant is the husband of the deceased and on the basis of false allegation, he has been made accused in the present matter. He further submitted that actually deceased i.e. his wife accidentally fell from the roof and died.
5. He further submitted that after about two months, IO recorded the statements of two witnesses, Manoj Kumar, the brother of the applicant and Pancham Lal and they alleged that applicant during dispute, pushed the deceased from the roof and, therefore, she fell and died but as their statements were recorded after about two months, therefore, no reliance can be placed on their statements.
6. He further submitted that applicant is not having any criminal history and he is in jail since 26.08.2023.
7. Per contra, learned AGA opposed the prayer for bail and

submitted that applicant is the husband of the deceased and, although, as per the defence, deceased i.e. wife of the applicant accidentally fell from the roof and died but surprisingly he neither informed this fact to anyone nor to the police.

8. He further submitted that from the *panchayatnama* of the deceased, it appears that dead body of the deceased was recovered on 25.08.2023 from the bushes in decomposed state and this shows the conduct of the applicant and, therefore, applicant, who is husband of the deceased, is not entitled to be released on bail.

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

10. However, as per the defence, accidentally deceased i.e. wife of the applicant fell from the roof and died but from the record, it reflects that dead body of the deceased was recovered from the bushes on 25.08.2023 i.e. after four days from the date of incident and, therefore, it appears that applicant after the alleged incident, neither informed the police nor informed to anybody and, therefore, I find force in the argument advanced by learned AGA that *prima facie* conduct of the applicant shows that he was having guilty mind and intentionally he did not inform to anyone and concealed the dead body of the deceased in the bushes, which was recovered after four days in decomposed state, therefore, I am not inclined to release the applicant on bail.

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

12. 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.

Order Date :- 7.11.2023

KK Patel