

Court No. - 69

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 51654 of 2023

Applicant :- Gulabchandra @ Bablu

Opposite Party :- State of U.P.

Counsel for Applicant :- Lal Bahadur Yadav

Counsel for Opposite Party :- G.A.

Hon'ble Samit Gopal,J.

1. List revised.
2. Heard Sri Lal Bahadur Yadav, learned counsel for the applicant and Sri Ajay Singh, learned A.G.A.-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- **Gulabchandra @ Bablu**, seeking enlargement on bail during trial in connection with Case Crime No. 126 of 2023, under Section 323, 325, 304, 504, 506 I.P.C., Police Station Buxa, District Jaunpur.
4. The first information report of the present matter was lodged on 06.06.2023 by Smt. Mahima against the applicant and three other persons alleging therein that due to dispute with regards to house the accused persons collectively on 29.05.2023 at about 3 p.m. came to her house and started hurling abuses and assaulting due to which she received injuries on her left hand and her husband Rajnath also received serious injuries. When she raised a shout they while abusing and extending threats ran away.
5. Learned counsel for the applicant argued that the applicant has been falsely implicated in the present case. It is argued that the deceased Rajnath was found to have received a single injury on his temporal region while being medically examined which was kept under observation. It is argued that subsequently he died on 07.06.2023 at 3 a.m. in the hospital and the cause of death was Coma as a result of head injury. It is argued that in so far as the first informant Smt. Mahima Devi is concerned, she was found to have received 04 injuries on her person and except for the injury no.4 the other injuries were opined to be simple in nature and for the injury no.4 after X-Ray it was found that left hand had a fracture of distal ulna. It is argued that common and general role has been assigned to the four accused persons including the applicant. There is no specification of the author of the injury on the deceased and even the author of the injuries of the first informant. The applicant has no criminal history as stated in para 28 and is in jail since 20.06.2023.
6. *Per contra*, learned counsel for the State vehemently opposed the prayer for bail and argued that in so far as the applicant is concerned, after his arrest one lathi and two dandas were recovered from his possession from his house. It is

argued that the deceased has received a lacerated wound on his occipital region which was kept under observation and the doctor conducting the postmortem examination found two surgical stitched wounds on the temporal region and occipital region and one graze abrasion on the occipital region. There was severe internal damage beneath the injuries. It is argued that injuries received by the first informant was also grievous since she has suffered a fracture. The applicant is named in the first information report and he has a motive to commit the aforesaid offence. There is recovery of a weapon of assault from his house. It is argued that the bail application be thus rejected.

7. After having heard learned counsel for the parties and perusing the record, it is evident that the applicant is named in the first information report. There is recovery of weapon of assault on his pointing out from his house. In the present matter one person has received serious injury on his head and lost his life and there is one injured who apart from other injuries has suffered fracture on the hand.

8. Looking to the facts and circumstances of the case, this Court does not find it a fit case for bail, hence, the bail application is **rejected**.

Order Date :- 8.12.2023

AS Rathore

(Samit Gopal,J.)