

Neutral Citation No. - 2023:AHC:238359

RESERVED ON 13.12.2023

DELIVERED ON 16.12.2023

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 52857 of 2023

Applicant :- Sumit

Opposite Party :- State of U.P.

Counsel for Applicant :- Asheesh Kumar Tiwari,Dewendra Singh

Counsel for Opposite Party :- G.A.

Hon'ble Siddharth,J.

Heard Shri Dewendra Singh, learned counsel for the applicant ; Shri Pankaj Bharti, learned counsel for the informant as well as the learned AGA for the State and perused the material placed on record.

The instant bail application has been filed on behalf of the applicant, **Sumit** with a prayer to release him on bail in **Case Crime No. 447 of 2023 under Sections 302,34 IPC, Police Station Budhana, District-Muzaffar Nagar**, during pendency of trial.

There is allegation in the First Information Report that on 3.10.2023 at about 8 P.M. applicant came to the house of informant and started taking son of the informant, Badal, alongwith him. Informant asked where he is going and then applicant informed that Ankur,Ajay and Ritik are calling. Ajay is coming from Delhi and they have some talk to be done.Her son informed that from there he will go to his place of work .Amit and Pramod resident of Budhana saw son of the informant with

aforesaid persons at 8.30 P.M. On 4.10.2023 at 9.30 A.M. dead body of the son of the informant was recovered. Thereafter First Information Report was lodged against the applicant and co-accused, Ankur,Ajay and Ritik.

Learned counsel for the applicant has submitted that there was no motive for applicant to commit the alleged offence. Deceased and applicant were working together on same petrol pump.The deceased and applicant used to go to petrol pump for working together. There was no enmity between them.There was nothing wrong of applicant going to the house of deceased. There was no evidence of prior meeting of minds of applicant and co-accused. Implication under section 34 I.P.C. is not correct.

Learned counsel for the informant has vehemently opposed the bail prayer of the applicant and submitted that co-worker at the petrol pump, Nirdosh, has stated before the police that deceased, Badal and applicant worked together at his petrol pump. Deceased, Badal, had quarrelled with some boys prior to the alleged incident and on 3.10.2023 he had not come on work but applicant had come to work.On that day he left petrol pump on 8.15 P.M. stating that he is going to take food and he returned after two hours.He does not knows whether he killed Badal or not. Similar statement of another witness , Jitendra Kumar, was also recorded by the investigating officer. Promod Kumar, another witness, stated that applicant had taken deceased on his motorcycle on the fateful day. On the next day his body was recovered. In the confessional statement of co-accused, it has come that

deceased was made to consume liquor and thereafter done to death. There was dispute regarding money between them.

Learned AGA has also vehemently opposed the prayer for bail of the applicant.

This Court after hearing the learned counsels for the parties does not find any ground for enlarging the applicant on bail at this stage.

The bail application is accordingly rejected.

The court below is directed to conclude the trial against the applicant, as expeditiously as possible, preferably within a period of one year from the date of production of certified copy of this order.

Order Date :- 16.12.2023

Atul kr. sri.