

Court No. - 27

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 3505 of 2023

Applicant :- Raja Ram

Opposite Party :- State Of U.P. Thru. Prin. Secy. Home Lko.

Counsel for Applicant :- Ajai Kumar Shukla, Anubhav Awasthi, Anuj Pandey, Vikas Yadav

Counsel for Opposite Party :- G.A.

Hon'ble Brij Raj Singh, J.

1. Heard Sri Anuj Pandey, learned counsel for the applicant and Sri Vipul Kumar Singh brief holder assisted by Sri G.D. Bhutt, learned A.G.A.-I for the State.

2. The present bail application has been filed by the applicant with a prayer to enlarge him on bail in Case Crime No.29 of 2022 under sections 34,302,323 IPC Police Station Lilapur District Pratapgarh.

3. It has been submitted by learned counsel for the applicant that FIR has been lodged by the complainant-wife of the deceased and she has levelled the allegation that four named accused including the applicant assaulted her husband with Lathi, Danda and Axe and the deceased received injuries due to which he died.

4. Learned counsel for the applicant has submitted that the postmortem report indicates that there are two injuries and four persons have assigned the role of assault and no specific role has been assigned as to who caused the injuries. It has also been submitted by learned counsel for the applicant that there is delay of eight days in lodging the FIR. Learned counsel for the applicant has also submitted that the statement of all the eye witnesses under section 161 Cr.P.C. are not reliable and the applicant has no criminal history, therefore, the applicant is entitled to be released on bail.

5. On the other hand, learned A.G.A. has opposed the prayer for bail. He has invited attention of this Court towards the statement of Sahdev Verma and Smt. Rampurine, who are the eye witnesses of the incident and they have stated that the applicant and three others had

assaulted the deceased due to old enmity and injury was caused to him due to which he died. Learned A.G.A. has further submitted that there are three injured witnesses, namely, Koline, Kamla Devi and Gautam Verma. He has submitted that they have also received injuries at the time when the incident took place and the applicant and other three co-accused have assaulted them. He has further submitted that there was common intention to kill the deceased, therefore, the bail application of the applicant is liable to be rejected.

6. After hearing learned counsel for the parties and looking into overall facts and circumstances of the case as well as the argument that applicant alongwith other three co-accused have been named in the FIR and they have been assigned the role of assault and the argument that there are three injured witnesses, namely, Koline, Kamla Devi and Gautam Verma who have also received injury due to assault made by the applicant and three other co-accused at the time of incident, therefore, I am of the opinion that the applicant is not entitled to be released on bail.

7. Accordingly, the bail application of the **applicant- Raja Ram** is **rejected**. However, learned trial court is directed to conclude the trial, without being influenced the observations made hereinabove, within a period of ten months from the date a certified copy of this order is produced before it.

Order Date :- 19.12.2023

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