

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 5674
of 2023

Applicant :- Raghavram Yadav

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

Counsel for Applicant :- Manoj Kumar Singh, Arun Kumar
Mishra, Ashish Raman Mishra

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi, J.

1. Heard Sri Arun Kumar Mishra, the learned counsel for the applicant, Sri Akhilesh Kumar Vyas, the learned A.G.A. for the State and perused the records.
2. The instant application has been filed seeking release of the applicant on bail in Case Crime No. 39 of 2023, under Sections 324, 326, 506 I.P.C., registered at Police Station Kotwali Bhinga, District Shrawasti.
3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 26.01.2023 at about 08.15 hrs. stating that the applicant had assaulted the informant with a gandasi at about 6.00 hrs. on 26.01.2023 because of a dispute regarding passage. In the statement of the informant recorded under Section 161 Cr.P.C. he supported the F.I.R. allegations and stated that the finger of his right hand was got severed because of assault made by the applicant. The doctor has opined the injury to be grievous in nature.
4. In the affidavit filed in support of bail application it has been stated that the applicant is innocent, he has been falsely implicated in the present case and he has no criminal history. The applicant is languishing in jail since 15.02.2023.

5. The State has filed a counter affidavit annexing therewith copies of material collected during investigation and copy of charge sheet dated 12.03.2023.

6. Having considered the aforesaid facts and circumstances of the case and keeping in view the fact that the incident occurred at about 6.00 hrs. on 26.01.2023 and the F.I.R. was lodged at 8.15 hrs. i.e. quite prompt; that there was an old animosity between the parties and there appears to be no reasonable apprehension of any doubt about the identity of the person causing incident and that the informant has suffered grievous in the incident, I am of the view that the aforesaid facts do not warrant exercise of discretion of this court by granting bail to the applicant.

7. Accordingly, the bail application is **rejected**.

8. However, keeping in view the fact that the charge sheet has already been filed on 12.03.2023 and that the applicant is languishing in jail since 12.03.2023 the learned trial court is directed to proceed with the trial expeditiously without granting any unnecessary adjournment to any of the parties and to make every endeavour to conclude the same within a period of one year from the date of production of a certified copy of this order before the learned trial court.

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(Subhash Vidyarthi, J.)

Order Date :- 6.12.2023

Ram.