

Court No. - 27

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 6594 of 2023

Applicant :- Abdul Wahid

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

Counsel for Applicant :- Sajjad Husain

Counsel for Opposite Party :- G.A.

Hon'ble Brij Raj Singh,J.

1. Heard Shri Neeraj Tiwari, Advocate holding brief of Shri Sajjad Hussain, learned counsel for the applicant, Rajesh Kumar Singh, learned AGA-I for the State and perused the record.

2. The present bail application has been filed by the applicant **Abdul Wahid** with a prayer to enlarge him on bail in Case Crime No.295 of 2014, under Sections 304, 323 I.P.C., Police Station Sadullanagar, District Balrampur.

3. Learned counsel for the applicant submitted that FIR has been lodged by Bhabhi of the applicant and as per FIR it appears that the deceased was scolding the son of the complainant and in the meantime, the applicant came out from his house and on the pretext that he was scolding the complainant, he armed with branch wood assaulted the deceased due to which he received injury. Later on the deceased died in the way while taking to the hospital. Learned counsel submitted that there is no motive assigned to the applicant. The applicant is the son of the deceased and it appears that it is a sudden provocation therefore, there is no intention to kill the deceased. The applicant has no criminal history. The applicant is in jail since 13.01.2023.

4. Learned AGA opposed the prayer for bail and has submitted that as per post mortem report, it is clear that injury caused to the deceased was fatal and the same caused death. He further submitted that statement of complainant was recorded who has stated that she and her son both were assaulted and they also received injuries. He has annexed the medical report of the complainant as well as son of the complainant. Learned AGA submitted that fatal injury has been caused by the applicant by assaulting his father and no explanation has been given by him. Learned AGA has submitted that post mortem report and injury report are corroborating the prosecution case as set up in the FIR.

5. Considering the over all facts and circumstances of the case, looking to the argument that applicant has assaulted

the deceased (father) with branch of the wood; argument that complainant and her son also received injury and complainant is an injured witness supporting the prosecution case and there is no reason to disbelieve the prosecution case.

6. Thus, having regard to the evidence available on record against the applicant and his complicity in the crime, I do not find any good ground to release the applicant on bail. Thus, the bail application moved on behalf of applicant **Abdul Wahid** is, hereby, rejected.

Order Date :- 10.10.2023

Pks