

Court No. - 8

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 8763 of 2023

Applicant :- Arun Kumar

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

Counsel for Applicant :- Brihaspati Mani Pathak, Arpit Chaudhary

Counsel for Opposite Party :- G.A.

Hon'ble Dinesh Kumar Singh, J.

Heard learned counsel appearing for the accused-applicant and learned A.G.A. for the State.

This is second bail application which has been filed seeking bail in FIR No.104 of 2021 under Sections 304, 308, 323, 452, 504, 506 IPC, Police Station Mahrajganj, District Ayodhya.

First bail application has been rejected by this Court vide order dated 29.09.2022 passed in Bail No.1348 of 2022 by following order:-

1. Heard learned counsel for the applicant and Sri Bhanu Pratap Singh, learned A.G.A. and perused the record.
2. Counter affidavit tendered today by the learned AGA in the court is taken on record.
3. The present application under Section 439 Cr.P.C. has been filed seeking bail in S.T. No.164 of 2021, Case Crime No.104 of 2021, under Sections 304, 308, 323, 452, 504 and 506 IPC, Police Station Maharajganj, District Ayodhya.
4. Allegation against the accused-applicant is that he along with other co-accused came to the house of the complainant and the accused-applicant assaulted the victim by iron rod, as a result thereof, he died while being treated in hospital.
5. Post-mortem report would suggest following ante-mortem injuries on the body of the deceased:-

"1. Swelling on Rt. Front to parietal region 8 x 13 cm with cut mark 01 x 0.5 cm lw.

2. Abrasion 1 x 5 cm present on Rt. side of face 4 cm from Rt. Ear.

3. Abrasion on just below from knee 1 x 4 cm.

4. Multiple abrasion on Rt. Shoulder at the level of clavicle.?

6. Cause of death was due to injury no.1.

7. Considering the specific role of causing fatal injury on the deceased allegedly by the accused-applicant, this Court does not find any ground to

enlarge the accused-applicant on bail at this stage.

8. Bail application is accordingly rejected.

9. However, the trial court should record the evidence of the witnesses of fact as early as possible, subject to cooperation of the accused-applicant in the trial.

10. If the witnesses of fact are examined and they do not support the prosecution case, the accused-applicant may revive the prayer for bail before this Court by filing a fresh bail application.

I do not find any change circumstance to enlarge the accused-applicant on bail at this stage. This bail application is rejected. However, learned trial court is directed to expedite the trial and conclude the same preferably within a period of six months.

(Dinesh Kumar Singh, J.)

Order Date :- 12.7.2023
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