

Court No. - 8

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 6862 of 2023

Applicant :- Aditya Gupta

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

Counsel for Applicant :- Jayshanker Shukla, Rajiva Dubey

Counsel for Opposite Party :- G.A.

Hon'ble Dinesh Kumar Singh, J.

1. Heard learned counsel appearing for the accused-applicant and Sri Ashwini Kumar Singh, learned A.G.A. for the State.
2. This is second bail application which has been filed seeking bail in FIR No. 444 of 2021 under Sections 302, 307, 394, 411, 34 IPC, Police Station Kotwali Nagar, Pratapgarh.
3. First bail application has been rejected by this Court vide order dated 20.10.2022 passed in Bail No.81 of 2022 by following order:-

"1. Heard learned counsel for the applicant, learned A.G.A. for the State and perused the record.

2. The present bail application under Section 439 Cr.P.C. has been filed by the applicant seeking bail in FIR No.444 of 2021 under Sections 302, 307, 394, 411, 34 IPC, Police Station Kotwali Nagar, Pratapgarh.

3. It is alleged that on 24.05.2021 at around 10:30 the deceased-Ajay Kumar and his friend Rajjan were coming back on a motorcycle after attending a party. As soon as they reached near Malgodam, 4 unknown assailants on 2 motorcycle came there and fired 4-5 rounds on them. Ajay Kumar died receiving firearm injuries. Rajjan also got seriously injured by gunshots fired by the assailants. The assailants looted Rs.22,000/- from Rajjan, the injured witness. Two young men who received firearm injury were referred to Swarooprani Hospital, Prayagraj where the deceased died. Post mortem of the deceased would suggest following antemortem injuries:-

"(i) Stitch wound size 20 cm (16 stitches) over mid-line of abdomen. Colostomy stitch wound;

(ii) 6 Stitches, 7 cm lateral to right side of umbilicus;

(iii) Drainage cut open left 8 right side, 11 cm from left lateral to umbilicus and 17 cm from right lateral to umbilicus;

(iv) Firearm entry wound size 1 cm x 1 cm 3 cm above mid-line of buttock, Blackening and tattooing present."

4. The accused-applicant has been identified by the injured witness, and it is alleged that he fired at him who also received firearm injuries.

5. Considering the facts and circumstances of the case, involvement of the

accused-applicant in the commission of the offence, this Court does not consider it to be a fit case for enlarging the accused-applicant on bail at this stage. This bail application is thus, rejected. Trial has commenced. Evidence of the complainant has been recorded. However, the trial Court is directed to conclude the trial proceedings expeditiously preferably within a period of 6 months from the date a certified copy of this order is produced before it subject to full cooperation by the accused."

4. I do not find any change circumstance to enlarge the accused-applicant on bail at this stage. This bail application is ***rejected***. It is stated at the bar that the witnesses of fact have already been examined. Trial Court is expected to concluded the trial at an early date and conclude the same preferably within a period of four months subject to full cooperation by the accused-applicant and other accused.

(Dinesh Kumar Singh, J.)

Order Date :- 25.5.2023
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