

Court No. - 8

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 8589 of 2023

Applicant :- Rajeev Alias Raju Raidas

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

Counsel for Applicant :- Rajendra Kumar Dubey

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.128 of 2020 under Section 302 IPC, Police Station Sandna, District Sitapur.

First bail application has been rejected by this Court vide order dated 19.04.2022 passed in Bail No.3770 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.128 of 2020 under Section 302 IPC, Police Station Sandna, District Sitapur.

3. Allegation against the accused-applicant is for killing the deceased-Raj Bahadur @Nanhke. In the post mortem, which has been placed on record, following ante mortem injuries were noted on the body of the deceased:-

"(i) Incised wound 2.5 cm x 1.5 cm x bone deep on the left side of face involving right side of root of nose.

(ii) Incised wound 2 cm x 1 cm x muscle deep on left angle of mouth.

(iii) Incised wound 3 cm x 2 cm x bone deep on right mandible underlined right mandible bone fracture.

(iv) Incised wound 8 cm x 2 cm x muscle deep on left side of neck up to chin, underlined. Large blood vessels, muscles, cut down.

(v) Abrasion 5 cm x 1 cm on upper part of right side chest involving right clavicle."

4. There are witnesses, who had said that the accused-applicant threatened the deceased to kill him. Knife, weapon of assault, was recovered on the pointing out of the accused-applicant from his house itself. Trial Court has rejected twice the bail application of the accused after considering the facts and circumstances. Trial is going on and P.W.-1 has been examined.

5. In view thereof, I do not find any ground to enlarge the accused-applicant

on bail at this stage. This bail application is thus, rejected. However, trial Court is directed to expedite the trial and conclude the same preferably within a period of one year from the date a certified copy of this order is produced before it.

I do not find any change circumstance to enlarge the accused-applicant on bail at this stage. This bail application is rejected.

(Dinesh Kumar Singh, J.)

Order Date :- 10.7.2023
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