

Court No. - 8

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 7102 of 2023

Applicant :- Sunil Yadav

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

Counsel for Applicant :- Avinash Kumar Srivastava, Rajesh Kumar Awasthi

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.00339 of 2021 under Sections 364, 302, 201, 120B IPC, Police Station Ram Nagar, District Barabanki.
3. First bail application has been rejected by this Court vide order dated 12.10.2022 passed in Bail No.14513 of 2021 by following order:-

"1. Heard learned counsel for the applicant and Sri Ashwani Kumar Singh, learned A.G.A. and perused the record.

2. The present application under Section 439 Cr.P.C. has been filed seeking bail in Case Crime No.339 of 2021, under Sections 364, 302, 201 and 120-B IPC, Police Station Ramnagar, District Barabanki.

3. Allegation against the accused-applicant and co-accused, who happens to be his brother, is that they abducted the deceased and after killing him, his body was thrown in Gaghra River. The dead body could not be recovered. The motive for committing the offence of murder of the deceased, Manoj Kumar Yadav alias Pintu was that Subhash alias Pintu, brother of the accused-applicant was having illicit relation with the wife of the deceased. The deceased was objecting the said illicit relation. Accused-applicant allegedly called the deceased and, thereafter, he was murdered and his body was thrown in Gaghra River.

4. Considering the heinousness of offence, involvement of the accused-applicant in the commission of offence and the evidence available against him, this Court does not find any ground to enlarge the accused-applicant on bail at this stage.

5. Bail application is accordingly rejected.

6. However, if the witnesses of fact do not support the prosecution case in their evidence before the court, the accused-applicant may revive the prayer for bail before this Court by filing a fresh bail application.

7. The trial court is directed to expedite the trial proceedings and conclude

the same within a period of one year."

4. 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 one year subject to full cooperation by the accused-applicant and other accused.

(Dinesh Kumar Singh, J.)

Order Date :- 30.5.2023
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