

Court No. - 8

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 7503 of 2023

Applicant :- Ram Jeet Nishad

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

Counsel for Applicant :- Prashant Dubey

Counsel for Opposite Party :- G.A.

Hon'ble Dinesh Kumar Singh,J.

1. Heard learned counsel for the accused-applicant as well as Dr. Surendra Singh, learned A.G.A. and perused the record.
2. This is the second bail application. First bail application got rejected by this Court vide order dated 28.11.2022 passed in Criminal Misc. Bail Application No.13781 of 2022.
3. The present application under Section 439 Cr.P.C. has been filed seeking bail in Case Crime No.274 of 2022, under Sections 302 and 201 IPC, Police Station Purajakandar, District Faizabad/Ayodhya.
4. This Court while rejecting the first bail application of the accused-applicant, passed the following order:-

“1. Heard learned counsel for the applicant as well as Sri Rao Narendra 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 FIR/ Case Crime No.274 of 2022, under Sections 302 and 201 IPC, Police Station Purakalandar, District Faizabad/Ayodhya.

3. Allegation against the accused-application and other co-accused accused is of killing a young boy on 7.6.2022 when he was talking/meeting with his girl friend. The deceased and the girl belong to different castes. The girl is from the caste of the accused-applicant and other accused and prominent members of the caste of the girl were not liking this relationship between the deceased young boy and the girl. It is alleged that on the date of incident at around 11.30 PM, when the deceased was talking to the girl, the accused-applicant and the co-accused armed with lathi and danda chased the deceased and killed him and, thereafter, his body was thrown in a sugarcane field.

4. Post-mortem report would suggest the following ante-mortem injuries on the body of the deceased:-

"1. Lacerated wound of size along with contusion 20 cm x 0.5 cm muscle deep (10 cm x 03 cm) present on back 03 cm above hape of neck.

2. Lacerated wound of size 02 cm x 1.5 cm present 03 cm superlateral from injury no.1.

3. Incised wound present on left palm in index (size 1.5 cm x 0.3 cm) middle face 0 x 0.3 cm) ring (1.5 x 0.3 cm) little finger (1.5 cm x 0.3 cm) on distal end.

4. I.W. of size 04 cm x 0.3 cm present on medial end of left palm.

Both arm, forearm, both thighs blister present, bled of skin on chest, back and remain body. Abdomen depended scrotum swelling with whole body swelling.

Injury No.2 a contusion of size 04 cm x 03 cm on antra lateral side of 9 Lt. And 03 cm above wrist joint.?

5. There is statement of the girl, who has specifically named the accused-applicant for commission of the offence along with other accused.

6. Considering the heinousness of offence and alleged involvement of the accused-applicant in the commission of offence, this Court does not find any ground to enlarge the accused-applicant on bail at this stage.

7. Bail application is accordingly rejected.

8. However, the accused-applicant may revive his bail plea after the witnesses of fact get examined."

5. There is no changed circumstance, which warrant this Court to enlarge the accused-applicant on bail.

6. Second bail application is accordingly **rejected**.

Order Date :- 12.7.2023

Rao/-