

Court No. - 8

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 8358 of 2023

Applicant :- Ranjay Singh

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

Counsel for Applicant :- Vimal Kishor Singh, Manmohan Chaurasia, Mohammad Ahmad

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 and Sri Ashok Kumar Shukla, learned counsel appearing for the complainant.

This is second bail application which has been filed seeking bail in FIR No.133 of 2022, under Sections 147, 148, 149, 323, 307, 302 IPC, Police Station Patranga, Faizabad.

First bail application has been rejected by this Court vide order dated 15.12.2022 passed in Bail No.13563 of 2022 by following order:-

- "1. Heard learned counsel for the parties and gone through the entire record.
2. By means of this application under Section 439 CrPC, the accused-applicant seeks bail in FIR No.0133 of 2022, under Sections 147, 148, 149, 323, 307 and 302 IPC lodged at Police Station Patranga, District Faizabad (now Ayodhyaji).
3. Initially, the FIR came to be registered on allegation that on 06.07.2022 at around 6.30, when husband of complainant was coming from market, Dheer Singh and driver of Dheer Singh one unknown person, who were on their 4-wheeler, stopped the husband of the complainant and started assaulting him; the deceased received serious injuries and taken to hospital where he died on 08.07.2022; the postmortem report suggest following antemortem injuries and cause of death has been opined to be coma due to antemortem head injury:-
 - i. incised wound size 14cm x 1cm x scalp deep present on top of head, injuries sharp clear cut, well defined;
 - ii. stitched wound 0.6cm along with 5 stitches present on left side forehead including left eyebrow;
 - iii. abraded contusion 02cm x 02cm present on left side face, 02 cm below left eye;
 - iv. stitched wound 3cm long along with three stitches present on left side of chin;
 - v. abraded contusion 4cm x 1cm present on top of left shoulder;

vi. contusion 3cm x 2cm present on medial aspect of right knee joint; and

vii. abraded contusion 2cm x 2cm present medial aspect of left leg, 8 cm below left knee joint."

4. The injured witnesses specifically named the accused-applicant for assaulting the deceased along with his younger brother. It is alleged that the reason for committing the murder of husband of the complainant was gram panchayat election. The deceased did not support the candidate of the accused-applicant and for that reason he was assaulted as a result thereof he died.

5. Considering the facts & circumstances of the case, heinousness of the offence and evidence available on record against the accused-applicant, this Court does not deem it appropriate to enlarge the accused-applicant on bail at this stage.

6. REJECTED.

7. However, the learned trial Court is directed to proceed with the trial expeditiously and record evidence of witnesses of fact, preferably within a period of six months from the date certified copy of this order is submitted/served on behalf of the accused-applicant.

8. Once the evidence of witnesses of fact get recorded, the accused-applicant may revive his bail plea, so so advised."

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 subject to full cooperation of the accused.

(Dinesh Kumar Singh, J.)

Order Date :- 6.7.2023
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