

Court No. - 8

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 8630 of 2023

Applicant :- Vijay Pal Yadav

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

Counsel for Applicant :- Salik Ram Tiwari, Sanjeev Kumar Dwivedi

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.108 of 2021 under Sections 147, 302, 323, 504, 506 IPC, Police Station Amethi, District Amethi.

First bail application has been rejected by this Court vide order dated 28.4.2022 passed in Bail No. 7540 of 2021 by following order:-

"1. Heard learned counsel for the accused-applicant as well as learned Additional Government Advocate and gone through the entire record.

2. By means of this application under Section 439 CrPC, the accused-applicant seeks bail in FIR No.0108 of 2021, under Sections 147, 302, 323, 504 and 506 IPC lodged at Police Station Amethi, District Amethi.

3. It is alleged that on 19.03.2021, at around 11 in night, the complainant went to her agricultural field along with her grand-son, Krishnadev, who look after the agricultural field. When son of the complainant (father of the deceased) had gone to have food to home, at that time, the accused-applicant, his son, one Ankit Yadav and 4-5 unknown persons arrived there. The accused-applicant caught hold of the grand-son of the complainant, Krishnadev (deceased) and exhorted, his son, Sher Singh to cut throat of the deceased.

4. Co-accused, Sher Singh assaulted the deceased by knife and other accused present there assaulted the victim by Lathi and Danda. Complainant herself received injuries in the incident. The incident took place on 19.03.2021 and initially the FIR came to be registered under Sections 147, 307, 323, 504 and 506 IPC. The deceased died on 27.03.2021. Initially, the doctor noted the following injuries on body of the deceased:-

i. a lacerated wound of 6x0.5x2 cm on chin from 4cm up from left.

ii. a lacerated wound of 4x2x0.5 cm on right penial region, 6cm from Rt. ear.

iii. a lacerated wound of 3x2x0.5 cm present on Rt. joint penial region, 8cm from Rt. ear.

After death, while conducting postmortem examination, the doctor noted the following injuries:

i. lacerated wound 4cm long along with 3 ritsus Rt. side of head, 6 cm above Rt. ear.

ii. contusion 12cm x 8cm on top and hook of head.

iii. contusion 8cm x 7cm on Rt. side of head just above Rt. ear.

iv. Abraded contusion 6cm x 4cm in front of Lt, left leg, 12cm below Lt knee joint.

5. A young man has been killed allegedly by the accused-applicant and co-accused. There is an injured eye-witness. Considering all these, this Court does not find it to be a case for bail at this stage. Hence, the prayer for bail is hereby refused and the application is rejected. However, the trial Court is directed to proceed with the trial and conclude the same as early as possible."

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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