

Court No. - 27

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 10521 of 2023

Applicant :- Arvesh

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

Counsel for Applicant :- Adarsh Kumar Maurya, Adarsh Kumar Maurya

Counsel for Opposite Party :- G.A.

Hon'ble Brij Raj Singh, J.

1. Heard learned counsel for the applicant, Sri Ramesh Kumar learned AGA for State and perused record.
2. This application is moved on behalf of applicant for bail in case crime No.12 of 2023 under Section 304 IPC, PS Pasgawan, district Kheri.
3. Learned counsel for the applicant has submitted that wife of deceased lodged report in which she has stated that on 7.1.2023 at about 5.30 p.m. in the evening, the applicant and co-accused Mithlesh armed with Lathi, assaulted her husband due to which he received injuries and it is mentioned that her mother-in-law and her Devar had seen the incident.
4. It has been submitted by the learned counsel for the applicant that admittedly, the complainant is not the eyewitness. He has submitted that the applicant has been falsely implicated and family members have become the eyewitnesses of the case, therefore, the prosecution case is not liable to be trusted. He has further submitted in para-3 of the bail application that the buffalo had given blow to the deceased due to which, he received injuries and the applicant has not caused injuries to the deceased.
5. On the other hand, learned AGA has submitted that FIR has been lodged by the wife of deceased and incident has been witnessed by the mother and brother of deceased. The mother Premvati and Mansukh brother of deceased have categorically stated that they had seen the incident that the applicant and co-accused assaulted deceased with Lathi.
6. Learned AGA has invited attention of this Court towards the post mortem report which indicates that two injuries caused to

deceased are fatal and cause of death is shock and haemorrhage. He has submitted that the prosecution case is established and the bail application is liable to be rejected.

7. Considering the over all facts and circumstances of the case, the argument that the incident has been seen by the mother and brother of deceased, the argument that deceased received two fatal injuries both caused by the applicant and the co-accused, it is not a fit case for bail.

8. The application for bail is rejected.

Order Date :- 19.12.2023

Rajneesh JR-PS)