

Rajnath Singh vs State Of U.P. on 3 March, 2025

Author: Sanjay Kumar Singh

Bench: Sanjay Kumar Singh

HIGH COURT OF JUDICATURE AT ALLAHABAD

?Neutral Citation No. - 2025:AHC:29642

Court No. - 64

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 5767 of 2025

Applicant :- Rajnath Singh

Opposite Party :- State of U.P.

Counsel for Applicant :- Harikrishna Tiwari, Lakshmi Kant Singh, Narendra Singh

Counsel for Opposite Party :- G.A.

Hon'ble Sanjay Kumar Singh, J.

1-Heard learned counsel for the applicant and learned Additional Government Advocate representing the State.

2-By means of this application, applicant-Rajnath Singh, who is involved in Case Crime No. 159 of 2024, under Sections 498-A, 304-B, 201 of I.P.C. and Section 3/4 Dowry Prohibition Act, Police Station Makkhanpur, District Firozabad, seeks enlargement on bail during the pendency of trial.

3-Brief facts of the case, which are required to be stated are that complainant-Hansraj who is father of the deceased-Sunita lodged a first information report on 18.06.2024 with regard to an incident which took place on 17.06.2024 for the offence under Sections 498-A, 201, 304B I.P.C. and Section 3/4 Dowry Prohibition Act against eight accused persons, namely, Rajnath, Rohit, Shivani alias

Shiva, Devendra, Pooran, Bavita, Sunita and Anurag, who are father-in-law, brother-in-law (devar), sister-in-law (nanad), uncles-in-law, aunts-in-law and brother-in-law (devar) of the deceased respectively, making allegations inter alia that marriage of his daughter was solemnized in July, 2022 with Rinku, but after some days of her marriage the accused persons started harassing and assaulting her mounting pressure to bring additional dowry. On 16.06.2024 when his son-in-law was not at home, who is presently doing a private job in Delhi, the accused persons in collusion with each other started mounting pressure upon his daughter to bring Rs. 50,000/- (rupees fifty thousand) from her father. On account of said reason on 17.06.2024, she was done to death and her dead body was thrown at the railway track near Govindpur village.

4-Main substratum of argument of learned counsel for the applicant is that the applicant is father-in-law of the deceased and has been falsely implicated in this case. He is a disabled person and aged about 60 years. He further submits that co-accused Devendra Singh and Pooran Singh have been granted anticipatory bail vide common order 23.11.2024 in Criminal Misc. Anticipatory Bail Application No. 11076 of 2024 and co-accused Anurag alias Chuhiya and Devendra Singh have been granted bail by this Court vide orders dated 29.11.2024 and 10.12.2024 in Criminal Misc. Bail Application Nos. 42523 of 2023 and 44190 of 2024 respectively, therefore the applicant who is languishing in jail since 19.09.2024 may be released on bail.

5-Per contra, learned Additional Government Advocate for the State opposed the prayer for bail of the applicant by contending that there is no major disability of the applicant because as per disability certificate dated 17.01.2006 of the applicant filed as Annexure no.5, his disability is on account of non formation of thumb. There is specific allegation of demand of dowry and harassment of the deceased adopting different modus operandi against the applicant. Dead body of the deceased was found on the railway track. After the incident, accused persons had absconded. Referring the post-mortem report of the deceased, it is pointed out that following ante-mortem injuries have been noted by the doctor :-

- (i) Missing of head along with neck.
- (ii) Missing of left shoulder along with left upper limb.
- (iii) Amputation of right shoulder joint along with right arm and forearm.
- (iv) Amputation of left lower limb from lower 2-3rd of femur bone.
- (v) ?over the right ankle joint with missing of right foot.

It is further pointed out that Smt. Pinki (elder sister of the deceased-Sunita) has stated inter-alia that on receiving information when she went to matrimonial home of his sister-Sunita along with her brother-in-law, she saw there was blood in Sunita's room and verandah and stool on her sisters bed. She also saw stool on the stairs. On making enquiry about the same, the villagers were standing on the roof of their house but no one came down. The people who were standing there told that the accused persons have killed Sunita and taken her away from here. Thereafter, she called mobile

police by dialing 112. Later on, the dead body of her sister was found on a railway track, which was severed in many pieces. Much emphasis has been given by contending that in this case, Rinku, who is husband of the deceased has not been made accused because at the time of incident, he was not at the spot but he was present at Gurgaon, where he does a private job in Zomato Company. During investigation, the investigating officer also recorded the statement of Rinku (husband of the deceased), who has also made allegation against his family members for committing murder of his wife Sunita stating inter-alia that on 20.06.2024, he was told by Mahesh Fauji that on the day of incident at about 11:00 o'clock, Rohit and Shivani @ Shiva were dragging his wife through rope and both of them made her sit on a motorcycle inside the house and tied her with a sack. Rohit and Shivani left with Sunita, the remaining people, namely, Devendra, Babita, Pooran Singh, Anurag @ Chuhia, Sunita and Rajnath Singh followed them on motorcycle. At that time his son was locked in a room because he was weeping. Rinku has made specific allegation against his father Rajnath stating that he used to misbehave with his wife and used to mount pressure upon his wife to bring Rs. 50,000/- from her parents. On the strength of aforesaid submissions, it is submitted that there are enough material of cruelty against the applicant and other co-accused persons, hence, the bail application of the applicant is liable to be rejected.

6-Having heard learned counsel for the parties and examined the matter in its entirety, I find that it is not in dispute that the deceased died in her in-law's house under abnormal circumstances within two years of her marriage. There is serious allegation of taking the dead body of the deceased from the house and throwing it on the railway track. As per post-mortem report, many parts of body of the deceased were missing. The son of the applicant is one of the witnesses of occurrence. Considering the nature and manner of crime, I find it is a most heinous offence, hence, I do not find any good ground to enlarge the applicant on bail.

7-Accordingly, the instant bail application is rejected.

8-It is made clear that the observations contained in the instant order are confined to the issue of bail and shall not affect the merit of the trial.

Order Date :- 3.3.2025 Kashifa