

Muchkendra Kumar vs State Of U.P. on 1 April, 2025

Author: Samit Gopal

Bench: Samit Gopal

HIGH COURT OF JUDICATURE AT ALLAHABAD

?Neutral Citation No. - 2025:AHC:44432

Court No. - 64

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 22161 of 2024

Applicant :- Muchkendra Kumar

Opposite Party :- State of U.P.

Counsel for Applicant :- Ashish Kumar Yadav, Jigyanshu Yadav, Satyvendra Singh Yadav

Counsel for Opposite Party :- G.A.

with

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 21680 of 2024

Applicant :- Muchkendra Kumar

Opposite Party :- State of U.P.

Counsel for Applicant :- Ashish Kumar, Gaurang Kulshreshtha

Counsel for Opposite Party :- G.A.

Hon'ble Samit Gopal, J.

1. List revised.

2. Heard Sri Pawan Kumar Yadav, Advocate (Adv. Roll No. A/P 2032/2022) holding brief of Sri Satyvendra Singh Yadav in bail application no.22161 of 2024, Sri V.D. Ojha, learned A.G.A for the

State and perused the records. No one appears on behalf of the applicant in bail application no.21680 of 2024 despite the fact that there are two learned counsels appearing on behalf of the applicant.

3. These two bail applications are second bail applications. The first bail application on behalf of the applicant was rejected by this Court vide order dated 8.11.2023 passed in Criminal Misc. Bail Application No.47652 of 2023. The aforesaid two matters are connected together vide order dated 20.6.2024 passed by this Court, the said order reads as under:-

"1. Heard Sri Pradeep Kumar Yadav, learned counsel for the applicants and Sri Ajay Singh, learned A.G.A.-I for the State and perused the material on record.

2. This bail application under Section 439 of Code of Criminal Procedure has been filed by the applicants- Surendra Kumar and Muchkendra Kumar, seeking enlargement on bail during trial in connection with Case Crime No. 146 of 2023, under Section 302, 201 I.P.C., Police Station Jasrana, District Firozabad.

3. The first information report of the present matter was lodged on 27.03.2023 by Smt. Bharti Devi against the applicants alleging therein that her father Surendra Kumar the applicant no.1 and brother Muchkendra Kumar the applicant no.2 used to beat her mother Smt. Sunita. On 27.03.2023 at about 6 p.m. both the persons murdered her mother and burnt her in field which was seen by her chacha Hemendra who informed her and then the first information report has been lodged.

4. Learned counsel for the applicants argued that the applicants have been falsely implicated in the present case. It is argued that the first informant has given an affidavit that on the saying of the villagers she has lodged a first information report. It is argued that the implication of the applicants in the present matter is false and without any credible evidence. The applicants have no criminal history as stated in para 6 and are in jail since 16.06.2023.

5. Per contra, learned A.G.A. vehemently opposed the prayer for bail and argued that the applicant no.1 is the husband and the applicant no.2 is the son of the deceased. The first information report has been lodged by the daughter of the deceased. The witnesses in the matter also state of the same version as that of the first information report. It is argued that the prayer for bail be rejected.

6. After having heard learned counsel for the parties and perusing the record, it is evident that the applicants are named in the first information report and have been assigned the role of murdering the mother of the informant and then burning her in the field. The dead body was also not recovered. There is no reason for false implication.

7. Looking to the facts and circumstances of the case, this Court does not find it a fit case for bail, hence, the bail application is rejected"

4. Both the bail applications are titled as second bail application and perusal of the records show that the same are of accused Muchkendra Kumar.

5. Learned counsel for the applicant appearing in bail application no.22161 of 2024 submits that the said bail application be dismissed as withdrawn.

6. Prayer is allowed.

7. The bail application no.22161 of 2024 is dismissed as withdrawn.

8. In so far as bail application no.21680 of 2024 is concerned, since there is no representation from the side of the applicant despite the fact that there are two learned counsels appearing on behalf of the applicant, the said bail application is dismissed for want of prosecution.

9. Pending application (s), if any, shall stand disposed of.

(Samit Gopal, J.) Order Date :- 1.4.2025 Gaurav Kuls