

Court No. - 43

Case :- CRIMINAL MISC. WRIT PETITION No. - 15894 of 2023

Petitioner :- Manish Yadav

Respondent :- State Of U.P. And 3 Others

Counsel for Petitioner :- Janardan

Counsel for Respondent :- G.A.

Hon'ble Anjani Kumar Mishra,J.

Hon'ble Vivek Kumar Singh,J.

1. Supplementary affidavit filed today in the Court is taken on record.

2. Heard learned counsel for the petitioners, learned counsel for the first informant and learned A.G.A. for the State.

3. The instant writ petition seeks quashing of the FIR dated 07.12.2022 giving rise to Case Crime No.0471 of 2023 under Section 3(1) of U.P. Gangster & Anti Social Activities (Prevention) Act 1986, Police Station- Bansgaon, District- Gorakhpur.

4. The contention of the learned counsel for the petitioner is that the provision of the Gangster Act has been invoked on the basis of the single case wherein he has already been granted bail.

5. Learned AGA has pointed out that it is now well settled that the provision of the Gangster Act can be invoked on the basis of the single criminal case.

6. Upon hearing learned counsel for the parties and upon a perusal of the record, we find that there is substance in the submission of the learned counsel for the State.

7. Moreover, the allegations made in the First Information Report clearly disclose commission of cognizable offences and the allegations are serious in nature. Therefore, prayer of the petitioner to quash the First Information Report is completely misconceived and is rejected.

8. The writ petition is therefore dismissed, without prejudice to the right of the petitioners to apply for bail.

Order Date :- 1.11.2023/Himanshu