

Court No. - 89

Case :- APPLICATION U/S 482 No. - 37201 of 2023

Applicant :- Birendra Prasad And 2 Others

Opposite Party :- State of U.P. and Another

Counsel for Applicant :- Shiv Narayan Pandey

Counsel for Opposite Party :- G.A.

Hon'ble Deepak Verma,J.

1. Heard learned counsel for the applicants, learned Additional Government Advocate for the State of U.P./opposite party no.1 and perused the record.

2. This application under Section 482 Cr.P.C. has been filed by the applicants to quash non bailable warrant dated 20.10.2022 issued against the applicants and proceedings of Complaint Case No.1517 of 2016 (Bhola Prasad vs. Birendra Prasad and others), under Sections 323, 504, 506, 392 I.P.C., P.S.Kaushambi, District Kaushambi, pending in the court of Additional Chief Judicial Magistrate, Kaushambi.

3. At the outset learned counsel for the applicants gave up his challenge to the aforesaid non-bailable warrant and criminal proceedings against the applicants and confined his submission requesting to grant some protection to the applicants to surrender before the concerned court below. The learned counsel for the applicants further stated at the Bar that he is not pressing any other prayer made in this application on merits and prayed that a direction may be issued to the concerned courts below to consider and decide the bail application of the applicants expeditiously.

4. Learned A.G.A. for the State of U.P. submits that in case the applicants are not pressing the relief as sought for by them on merits and want to surrender before the concerned court below, he has no objection if the Court grants protection to them for a short period.

5. In view of the above, the relief as sought by the applicants in the instant application is refused.

6. However considering the aforesaid alternative prayer made by learned counsel for the applicants, it is directed that the applicants shall surrender before the concerned court below within four weeks from today and in case they apply for bail, the bail

application of the applicants shall be disposed of expeditiously by the courts below in accordance with law.

7. For the period of four weeks from today or till the time of surrender of the applicants before the concerned Court below, whichever is earlier, non-bailable warrant dated 20.10.2022 shall be kept in abeyance.

8. With the above observations and directions, this application under Section 482 Cr.P.C. is **disposed of**.

Order Date :- 16.10.2023
SKD