

Court No. - 71

Case :- CRIMINAL MISC ANTICIPATORY BAIL
APPLICATION U/S 438 CR.P.C. No. - 11288 of 2023

Applicant :- Arun Kumar And 4 Others

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

Counsel for Applicant :- Suresh Bahadur

Counsel for Opposite Party :- G.A.

Hon'ble Shekhar Kumar Yadav,J.

1. Heard learned counsel for the applicants, learned Additional Government Advocate for the State of U.P. and perused the record.
2. Mr Rakesh Kumar Pandey, Advocate has filed his vakalatnama on behalf of the informant today, which is taken on record.
3. This Criminal Misc. Anticipatory Bail Application has been filed seeking anticipatory bail in Case Crime No. 193 of 2023, under Sections 147, 148, 149, 323, 504, 506, 427, 452, 307, 308, 120-B IPC, P.S. Sikrara, District Jaunpur, during the pendency of investigation.
4. As per contents of the FIR, applicants came at the spot with deadly weapons like lathi, danda, iron rod, axe and hammer and caused lethal injuries to the informant and her family members with intention to cause death.
5. It is submitted that in this case applicants are innocent and have been falsely implicated by the police with ulterior motive. It is further submitted that general role is assigned to all the accused persons including the applicants. There is no credible evidence to connect the applicants with the crime in question. The applicants are under apprehension of imminent arrest. In case, the applicants are released on bail, they would not misuse the liberty of bail and would cooperate with the trial.
6. Learned Additional Government Advocate, has opposed the prayer for granting anticipatory bail to the applicants. It is further submitted that looking to the medical report of the victim as well as the statement of the injureds under Section 161 Cr.P.C. no case for bail is made out.

7. In the light of above, looking to the facts and circumstances of this case, submissions of learned counsel for the parties as mentioned above, taking into consideration the role assigned to the applicants as per prosecution case, gravity and nature of accusation, medical report and the statement of the injured, this Court is of the view that no case for exercising its discretionary power under Section 438 Cr.P.C. is made out in favour of applicants.

8. Accordingly, this application under Section 438 Cr.P.C. is **rejected**. Applicants directed to move regular bail application before the appropriate forum and if such application is given, the court below shall consider and disposed of the bail application expeditiously in accordance with law.

Order Date :- 12.10.2023

RavindraKSingh