

**Court No. - 72**

**Case :-** CRIMINAL MISC ANTICIPATORY BAIL  
APPLICATION U/S 438 CR.P.C. No. - 11569 of 2023

**Applicant :-** Mohd. Laiq @ Laiq Ahmad

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

**Counsel for Applicant :-** Vinay Kumar Tripathi, Anil Kumar Tripathi

**Counsel for Opposite Party :-** G.A., Babu Lal Ram, Naseem Ahamad Siddiqui

**Hon'ble Krishan Pahal, J.**

1. List has been revised.
2. Supplementary affidavit filed by learned counsel for the applicant is taken on record.
3. Heard Sri Vinay Kumar Tripathi, learned counsel for the applicant, Sri Babu Lal Ram, learned counsel for the informant as well as Sri Rajendra Prasad Singh, learned A.G.A. for the State and perused the material placed on record.
4. The present application for anticipatory bail has been filed for anticipatory bail in Case Crime No.360 of 1995, under Section 307 I.P.C., Police Station Colonelganj, District Prayagraj, during the pendency of trial.
5. As per prosecution story, the applicant and two other co-accused persons, namely, Ateeq Ahmad and Hasnain are stated to have fired at the informant on 16.5.1995 at about 10:30 p.m. in the court premises. The said shot is stated to have hit one Ram Nath s/o Sukru.
6. Learned counsel for the applicant has submitted that he has been falsely implicated in the present case. The applicant has not been arrayed as an accused in the list of accused persons, although his name has come up in the body of the FIR. Learned counsel has stated that there is criminal history of three cases assigned to the applicant in which he has been acquitted. Learned counsel has further stated that the applicant had filed petition under Section 482 Cr.P.C. No.3722 of 1999 and was granted interim protection in it, as such, the trial was kept pending, but in the light of judgment of the Apex Court in *Asian Resurfacing of Road Agency Private Limited and Another vs. Central Bureau of Investigation, (2018) 16 SCC*

**299** the said stay order stood vacated. Learned counsel has stated that the applicant is a *bona fide* person and is ready to cooperate during trial.

7. Per contra, learned counsel for the informant and learned A.G.A. have vehemently opposed the anticipatory bail application. Learned counsel for the informant has stated that the applicant has long criminal history of sixteen cases, although he could not adduce any FIR in support of his allegations. It is stated that the arguments tendered at Bar by learned counsel for the applicant pertains to regular bail which cannot be agitated under the provisions of Section 438 Cr.P.C.

8. After hearing learned counsel for the parties and learned A.G.A. and taking into consideration that the arguments tendered at Bar pertain to regular bail and the applicant is named in the body of the FIR coupled with the fact that applicant has criminal antecedents, although he has been acquitted in three cases and also in the light of para-43 of the settled law of this Court in the case of **Shivam vs. State of U.P. and Another, AirOnline 2021 All 484**, I do not find it a fit case for grant of anticipatory bail to the applicant.

9. The present anticipatory bail application is hereby found devoid of merits and is accordingly ***rejected***.

10. It is clarified that the observations made herein are limited to the facts brought in by the parties pertaining to the disposal of anticipatory bail application and the said observations shall have no bearing on the merits of the case during trial.

**Order Date :- 29.11.2023**

Vikas

**[Krishan Pahal, J.]**