Court No. - 71

Case :- CRIMINAL MISC ANTICIPATORY BAIL APPLICATION U/S 438 CR.P.C. No. - 11764 of 2023

Applicant :- Awadhesh Kumar
Opposite Party :- State of U.P.
Counsel for Applicant :- S. A. Khan
Counsel for Opposite Party :- G.A.

Hon'ble Shekhar Kumar Yadav,J.

1. Heard learned counsel for applicants, learned A.G.A. for State and also perused the material available on record.

2. The present application for anticipatory bail has been filed for protection in regard to Case Crime No. 255 of 2021, under Sections 308, 323, 504, 506 IPC, P.S. Chopan, District Sonbhadra, during the pendency of trial.

3. After arguing for some time, applicant's counsel submits that he does not want to press the prayer for release of the applicant on anticipatory bail. His sole prayer is that a direction may be issued to the court below to decide the bail application of the applicant in view of the judgement in the case of **Satender Kumar Antil vs. Central Bureau of Investigation and another, reported in 2021 SCC Online SC 922.**

4. Learned A.G.A. has no objection to the prayer made by the learned counsel for the applicants. It is further submitted that in the present case, maximum punishment for the aforesaid offences is seven years, therefore, applicant may move bail application through counsel in light of order of Apex Court in the case of ***Satender Kumar Antil Vs. Central Bureau of Investigation & Another, Special Leave to Appeal (Crl.) No(s). 5191 of 2021*** dated 07.10.2021.

5. In view of the above, considering the aforesaid alternative prayer made by learned counsel for the applicant, the present anticipatory bail application is disposed of with the direction that in case the applicant filed bail application before the court below, the same shall be heard and disposed of expeditiously by the court below in view of the settled law laid down by this court in the case of **Satender Kumar Antil (supra).**

6. With the above observations and directions, this application is **disposed of.**

Order Date :- 28.10.2023
RavindraKSingh

Digitally signed by :-
RAVINDRA KUMAR SINGH
High Court of Judicature at Allahabad