

Court No. - 72

**Case :- CRIMINAL MISC ANTICIPATORY BAIL
APPLICATION U/S 438 CR.P.C. No. - 12772 of 2023**

Applicant :- Ramanand Yadav

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

Counsel for Applicant :- Ashish Kumar

Counsel for Opposite Party :- G.A.

Hon'ble Krishan Pahal,J.

1. List has been revised.
2. Heard Sri Ashish Kumar, learned counsel for the applicant, Sri Sunil Kumar, learned A.G.A. for the State and perused the material placed on record.
3. The present application for anticipatory bail has been filed for anticipatory bail in Case Crime No.424 of 2023, under Sections 420, 409 I.P.C., Police Station Kothibhar, District Maharajganj, during the pendency of trial.
4. As per prosecution story, the applicant is the ex-Village Pradhan of the concerned Gram Panchayat. The applicant along with other co-accused persons is stated to have usurped an amount of Rs.2,80,000/- in the name of construction of cow shed. A recovery certificate of Rs.93,000/- was issued against the applicant.
5. Learned counsel for the applicant has submitted that he has been falsely implicated in the present case. The said persons, who are stated to be aggrieved that animals shed have not been made by the applicant, have filed affidavit indicating that the animals shed were constructed by the Gram Panchayat. Even the informant had filed affidavit indicating that he does not want to press the FIR. Learned counsel has further stated that a show cause notice was issued against the applicant by the District Magistrate and he had challenged it by filing writ petition before this Court.
6. Learned counsel for the applicant has further stated that the criminal history of two cases assigned to the applicant has been explained as he has been acquitted in one case which has been filed as Annexure-7 to the affidavit and in one case FIR was instituted on 13.6.2023 and the investigation is going on, as such, he has not applied for bail in it. The applicant has no

criminal history to his credit. Several other submissions have been made on behalf of the applicant to demonstrate the falsity of the allegations made against him. The circumstances which, as per counsel, led to the false implication of the applicant have also been touched upon at length.

7. Per contra, learned AGA has vehemently opposed the anticipatory bail application on the ground that the instant FIR was instituted on 19.10.2023 and the FIR No.214 of 2023 was instituted on 13.6.2023 well before the present FIR, as such, the applicant has not explained his criminal antecedent.

8. After hearing learned counsel for the parties and taking into consideration that applicant has caused loss to the State Exchequer coupled with the fact that the criminal history of the applicant has not been properly explained, 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 :- 22.11.2023

Vikas

[Krishan Pahal, J.]