

Court No. - 72

**Case :- CRIMINAL MISC ANTICIPATORY BAIL
APPLICATION U/S 438 CR.P.C. No. - 13460 of 2023**

Applicant :- Yogesh And 7 Others

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

Counsel for Applicant :- Vishnu Kumar Patil

Counsel for Opposite Party :- G.A.

Hon'ble Krishan Pahal,J.

1. List has been revised.
2. Heard Sri Vishnu Kumar Patil, learned counsel for the applicants, Sri Shakil Ahmad, learned A.G.A. for the State and perused the material placed on record.
3. The present application for anticipatory bail has been filed on behalf of applicants- Yogesh, Sandeep, Saamesh, Dev Dutt, Jitendra, Lal Bahadur, Sunhari Lal and Virendra, for anticipatory bail in Case Crime No.122 of 2021, under Sections 147, 308, 323, 324, 452, 504 and 506 IPC, Police Station Jasrana, District Firozabad, during the pendency of trial.
4. As per prosecution story, the applicants are stated to have barged into the house of the informant on 29.03.2021 at about 4:00 p.m. alongwith other women of the family and assaulted the brother of the informant Gaya Prasad armed with sharp edged weapon, lathi/danda and bricks, causing grievous injury to his head.
5. Learned counsel for the applicants has submitted that the applicants have been falsely implicated in the present case. The injured person has sustained only one incised wound 3 cm x 0.8. cm in skull bone deep on left side of head at 3 cm from left eye-brow. There are general allegations against all the accused persons including the women and no person has been assigned any particular weapon. Learned counsel has further stated that at this point of time it cannot be ascertained as to who was the author of the injuries sustained by the injured person, as such the applicants are entitled for anticipatory bail. There are no criminal antecedents of the applicants.
6. Per contra, learned A.G.A. has opposed the anticipatory bail application on the ground that the injured person has received grievous injury to his head.

7. After hearing learned counsel for the parties and taking into consideration the injury sustained by the injured person, I do not find it a fit case for grant of anticipatory bail to the applicants. The arguments tendered at Bar pertain to regular bail application and cannot be agitated at the stage of 438 Cr.P.C.

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

9. 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 :- 06.12.2023

Ravi Kant

(Krishan Pahal, J.)