

Court No. - 71

Case :- CRIMINAL MISC ANTICIPATORY BAIL
APPLICATION U/S 438 CR.P.C. No. - 13024 of 2023

Applicant :- Jitendra Kumar Soni

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

Counsel for Applicant :- Shiva Tripathi, Dileep Kumar Yadava

Counsel for Opposite Party :- G.A., Deepesh Kumar
Ojha, Shivangi Tripathi

Hon'ble Shekhar Kumar Yadav, J.

1. Heard learned counsel for the applicant, learned Additional Government Advocate for the State of U.P. and perused the record. Mr Ashok Singh, Advocate assisted by Mr D. K. Ojha, learned counsel for the informant.

2. This Criminal Misc. Anticipatory Bail Application has been filed seeking anticipatory bail in Case Crime No. 240 of 2023, under Sections 147, 323, 506, 326-A IPC, P.S. Sarai Inayat, District Allahabad, during the pendency of investigation.

3. In short, allegation against the applicant is that on 3.09.2023 at about 4.30 hrs, applicant along with other accused persons committed marpeet with the informant and his family members and also throw some inflammable articles over the sons of the informant as a result of which they have sustained serious injuries over face and head.

4. It is submitted that in this case applicant is innocent and has been falsely implicated by the police with ulterior motive. It is further submitted that general role is assigned to all the accused person including the applicant. There is no credible evidence to connect the applicant with the crime in question. The applicant is under apprehension of imminent arrest. In case, the applicant is released on bail, he would not misuse the liberty of bail and would cooperate with the trial.

5. It is further submitted that FIR of the instant case has been lodged with delay. It is further submitted that there is a family dispute and in this regard civil litigations are pending against each other. It is further submitted that the applicant's side have also filed FIR and three persons from the side of the applicant, namely

Nirmala, Nitu including the applicant have also sustained injuries.

6. Learned counsel for the informant as well as Additional Government Advocate, have opposed the prayer for granting anticipatory bail to the applicant. It is further submitted that in the present FIR sons of the informant namely Atal Bihari and Ajar Bihari have sustained serious injuries on their face and head and the injuries sustained by the applicant's side are simple in nature and therefore, looking to the medical report of the victims as well as their statements 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 applicant as per prosecution case, gravity and nature of accusation, medical reports, 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 applicant.

8. Accordingly, this application under Section 438 Cr.P.C. is **rejected**.

Order Date :- 4.12.2023

RavindraKSingh