

Court No. - 16

Case :- CRIMINAL MISC ANTICIPATORY BAIL APPLICATION U/S 438
CR.P.C. No. - 2226 of 2023

Applicant :- Shareef Hasan @ Babbu

Opposite Party :- State Of U.P. Thru. Prin. Secy. Home Lko.

Counsel for Applicant :- Iqbal Ahmad, Mohd. Kumail Haider

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi, J.

1. Heard Sri Iqbal Ahmad, the learned counsel for the applicant, Sri Jayant Singh tomar, the learned AGA-I for the State and perused the records.

2. The instant application has been filed by the applicant seeking anticipatory bail in F.I.R. bearing Case Crime No. 173 of 2018, under 147, 148, 149, 323, 504, 506, 308 IPC, Police Station Utraula, District Balrampur.

3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 08.07.2018 against 17 named persons, including the applicant and 20 unnamed persons, stating that the accused persons armed with country made pistols and bombs, attacked the informant's house at about 12:00 noon. They caused injuries on the informant's head, two fractures on his right leg and injury on his left foot.

The medico legal examination report of the informant mentions a bone deep lacerated wound on left side of skull, a lacerated wound on interior aspect of right leg and complaint of pain on both side of leg and fracture has been reported in his right leg.

Co-accused Amit Lal has been granted bail in the present case by means of an order dated 29.08.2023 passed by the Sessions Judge, Balrampur.

5. Having considered the facts and circumstances of the case, I am of the view that the aforesaid facts do want warrant exercise of discretion of this court by granting pre-arrest bail to the applicant.

6. The anticipatory bail application is **rejected** accordingly. However, in case the applicant files an application for grant of bail, the same shall be considered and decided on its merits, without being influenced by any observations made in this order.

Order Date :- 12.10.2023

Pradeep/-