

Court No. - 16

Case :- CRIMINAL MISC ANTICIPATORY BAIL APPLICATION U/S 438
CR.P.C. No. - 2378 of 2023

Applicant :- Panch Bahadur Singh And 4 Others

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

Counsel for Applicant :- Suresh Chandra Srivastava, Vaibhav Srivastava

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi, J.

1. Heard the learned counsel for the applicants as well as Sri Rakesh Kumar Singh, the learned Additional Government Advocate appearing on behalf of the State and Sri H.S. Tiwari, learned counsel for the informant and perused the records.

2. The instant application has been filed by the applicants seeking anticipatory bail in F.I.R. bearing Case Crime No.379 of 2022, under Sections 147, 384, 452, 354, 323, 504, 506, 427 I.P.C., registered at Police Station Jaisinghpur, District Sultanpur.

3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 31.10.2022 against 14 named accused, including the applicants and 6-7 unknown persons, alleging that all the accused persons came to the informant's jewellery shop for demanding protection money and upon opposition, they had beaten up some persons present in the shop and tried to damage its shutter. They abused and threatened another shop owners.

4. In the affidavit filed in support of the anticipatory bail-application, it has been contended that the applicants are innocent, and they have falsely been implicated in the present case. Applicant No.1 and 2 are involved in one case each in both of them they have been granted bail in those cases. Rest of the applicants have no criminal history.

5. Three persons have received injuries in the incident, although the injuries are simple in nature.

6. Learned counsel for the applicant has submitted that the incident occurred because of a monetary dispute and the independent witnesses have stated so. Copies of the statements of the independent witnesses annexed with the affidavit filed in support of the application, indicate that they have stated that accused persons had beaten up several persons causing injuries to three persons.

7. Having considered the aforesaid facts and circumstances of the case and keeping in view the fact that allegations are supported by the statement of independent witnesses and the medico legal examination report, I am of the view that the aforesaid facts do not warrant exercise of discretion of this Court by enlarging the applicants on anticipatory bail.

8. In view of the above, the anticipatory bail application of the applicants is **rejected**. However, in case the applicants file any bail application, the same shall be considered and decided keeping in view the law laid down by the Hon'ble Supreme Court in the case of **Satender Kumar Antil vs Central Bureau of Investigation & Ors: (2022) 10 SCC 51**, without being influenced by rejection of this anticipatory bail application.

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(Subhash Vidyarthi, J.)

Order Date :- 27.10.2023
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