

Court No. - 16

Case :- CRIMINAL MISC ANTICIPATORY BAIL
APPLICATION U/S 438 CR.P.C. No. - 2343 of 2023

Applicant :- Hemant Kumar Singh

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

Counsel for Applicant :- Mukesh Kumar Tewari

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi,J.

1. Heard Sri Mukesh Kumar Tewari, the learned counsel for the applicant as well as Sri Arpit Kumar, the learned Additional Government Advocate appearing on behalf of 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. 910/2023, under Sections 34, 323, 504, 506, 307, 341, 452, 120-B of IPC and Section 7 of Criminal Law Amendment Act, Police Station Kotwali Nagar, District Barabanki.

3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 12.08.2023 against 5 persons, including the applicant, alleging that all the accused persons had assaulted the informant with hockey sticks and iron rods.

4. In the affidavit filed in support of the application, it has been contended that the applicant is innocent and he has falsely been implicated in the present case. The applicant's involvement in Case Crime No. 517 of 2019, under Sections 147, 323, 352, 504 IPC & 3(1)(d), 3(1)(dh) & 3(2)(5A) SC/ST Act, Police Station Kotwali Nagar, District Barabanki has been disclosed in para 9 of the affidavit filed in support of the application, in which he has already been granted bail.

5. The learned AGA has opposed anticipatory bail application and he has submitted Criminal Misc. Anticipatory Bail Application No. 2252 of 2023 filed by the co-accused Sarthak Jaiswal has been rejected by this Court and the allegations levelled against the applicant are similar to that levelled against the aforesaid co-accused person.

6. Having considered the aforesaid facts and circumstances of the case and keeping in view the fact that the victim has

suffered numerous injuries in the incident, I am of the view that the applicant is not entitled to be granted pre-arrest bail in the present case.

7. 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 :- 19.10.2023

Pradeep/-