

Court No. - 16

Case :- CRIMINAL MISC ANTICIPATORY BAIL
APPLICATION U/S 438 CR.P.C. No. - 2410 of 2023

Applicant :- Ubaid Ahmad

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

Counsel for Applicant :- Ajey Singh

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi,J.

1. Heard Sri Ajey Singh, the learned counsel for the applicant as well as Sri Anurag Verma, the learned Additional Government Advocate-I appearing on behalf of the State 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. 307 of 2023, under Sections 147, 148, 149, 307 & 120-B IPC, Police Station Dargah Sharif, District Bahraich.

3. The aforesaid case has been registered on the basis of a F.I.R. lodged on 07.09.2023 against 11 persons, including the applicant, stating that the accused persons had shot at the informant's son because of an old animosity.

4. In the affidavit filed in support of the application it has been stated that the applicant is innocent and he has falsely been implicated in the present case and that he has no previous criminal history.

5. In the statement of the injured recorded under Section 161 Cr.P.C., he stated that the accused persons riding four motorcycles had stopped him and on the exhortation of co-accused Haseeb, two persons pushed him and make him fall down from the motorcycle, all the accused persons had beaten him with kicks, fists and slaps and co-accused Sharif had shot at him and thereafter Haseeb had also shot him. Thereafter, he was taken on a motorcycle and thrown away at a secluded place.

6. Learned AGA has opposed the application and he has produced a copy of the discharge summery of the victim issued by KGMU, Lucknow which indicates that the victim was admitted to the KGMU on 07.09.2023, he was discharged on 14.09.2023 and he had suffered gun shot injuries.

7. Having considered the facts and circumstances of the case and without making any further observations which may affect the outcome of the case, I am of the view that the aforesaid facts do not warrant exercise of discretion of this Court by granting pre-arrest bail to the applicant.

8. 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 :- 30.10.2023

Pradeep/-