

Court No. - 16

Case :- CRIMINAL MISC ANTICIPATORY BAIL
APPLICATION U/S 438 CR.P.C. No. - 2407 of 2023

Applicant :- Vijay Kumar

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

Counsel for Applicant :- Rajesh Kumar Pandey

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi,J.

1. Heard Sri Rajesh Kumar Pandey, the learned counsel for the applicant, Sri Anurag Verma, the learned Additional Government Advocate-I appearing on behalf of the State, Sri Sudhakar Mishra, learned counsel for the informant 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. 101 of 2023, under Sections 307/120-B/34 I.P.C., Police Station Baldiray, District Sultanpur.

3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 09.04.2023 against four persons, including the applicant, stating that three persons riding a motorcycle had shot at the informant's husband and she suspected that co-accused Jagbaran Yadav, who was involved in murder of the informant's daughter, and his accomplices-the other three co-accused persons were involved in commission of the offence.

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

5. Sri Anurag Verma, learned AGA-I and Sri Sudhakar Mishra have vehemently opposed the anticipatory bail application.

6. The learned AGA-I has produced a copy of the relevant extract of case diary for perusal of the Court. The victim Pradeep Kumar Singh has stated that her daughter had been killed by setting her ablaze but co-accused Jagbaran Yadav and Mahanth Chauhan had got themselves exonerated on the basis of forged documents. During trial, it came to light that the documents produced by them were forged and those persons were summoned.

7. In the statement of co-accused Jagbaran Yadav, he stated that he had paid Rs. 50,000/- to the applicant. The shooters were arranged by the applicant and he has not disclosed the name of shooters.

8. Having considered the aforesaid facts and circumstances of the case and keeping in view the fact that the victim has been shot at through contract shooters and he has suffered three gun shot injuries in the incident, 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.

9. 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/-