

Court No. - 28

Case :- APPLICATION U/S 482 No. - 10778 of 2023

Applicant :- Nur Hasan

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

Counsel for Applicant :- Vinay Kumar, Noor Alam Khan

Counsel for Opposite Party :- G.A.

Hon'ble Shree Prakash Singh, J.

1. Heard Sri Vinay Kumar, learned counsel for the applicant and Sri Nirmal Kumar Pandey, learned A.G.A. for the State as well as perused the record.

2. Instant application under Section 482 Cr.P.C has been filed with prayer to quash the order dated 25.7.2023-issuing Non bailable warrant against the petitioner and Summoning order dated 20.10.2017 passed by Additional Chief Judicial Magistrate/Fast Track Court no: 38. Barabanki and Charge sheet no.A-92/2016 dated 13.7.2016 in Case no.919/2022, Crime no. 138/2016, U/s 147/148/323/504/308 I.P.C., Police Station - Kursi, District: Barabanki.

3. Learned counsel for the applicant submits that the applicant is innocent and he has falsely been implicated in the present case with false and frivolous allegations. He further added that the applicant is not involved in committing the alleged offence as has been mentioned in the first information report.

4. At this stage, learned counsel for the applicant submits that he does not want to press the application and seeks liberty to file bail application before the learned trial court which may be decided in view of law laid by Hon'ble Supreme Court's judgment in the case of **Satender Kumar Antil versus Central**

Bureau of Investigation and another (2022)10 SCC 51.

5. Learned A.G.A. has no objection to the prayer made by learned counsel for the applicant.

6. On due consideration to the submissions of learned counsel for the parties, it is provided that in case, the applicant appears before the trial court within two weeks from today and files bail application, the same shall be decided expeditiously in view of law laid down in the case of **Satender Kumar Antil (supra)**.

7. The application is **disposed off** accordingly.

Order Date :- 2.11.2023

Mayank