

Court No. - 16

Case :- CRIMINAL MISC ANTICIPATORY BAIL APPLICATION U/S 438
CR.P.C. No. - 2542 of 2023

Applicant :- Rajesh Singh Alias Kallu

Opposite Party :- State Of U.P. Thru. Prin. Secy. Deptt. Home, Govt. U.P.
Lucknow

Counsel for Applicant :- Adarsh Pratap Singh

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi,J.

1. Heard Sri Adarsh Pratap Singh, learned counsel for the applicant as well as Sri Rakesh Kumar Singh, learned A.G.A. for the State and perused the record.
2. The instant bail application has been filed seeking anticipatory bail in case crime No. 371 of 2021, under Sections 147, 148, 149, 307, 323, 504, 506 I.P.C, registered at Police Station Raniganj, District Pratapgarh.
3. The aforesaid case has been registered on the basis of a F.I.R. lodged on 23.07.2021 against nine persons, including the applicant, alleging that all the accused persons had attacked one Abhishek Mishra and when the informant and some other persons tried to save him they attacked the informant also due to which he suffered a gun shot injury in his chest. The accused persons had robbed some money and a mobile phone from Abhishek Mishra.
4. In the affidavit filed in support of the anticipatory bail-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 another case has been disclosed in para 22 of the affidavit.
5. A supplementary affidavit has been filed on behalf of the applicant stating that the police had pasted notice on the door of his house calling upon him to surrender within three days.
6. The learned counsel for the applicant has submitted that two co-accused persons have been exonerated by the investigating officer and six co-accused

persons have been granted bail in the present case.

7. The learned A.G.A has opposed the anticipatory bail application and he has submitted that the other co-accused persons, who had surrender have already been granted bail and the applicant is not cooperating with the proceedings, which has forced the police to paste a notice on his house calling upon him to surrender.

8. Having considered the aforesaid facts and circumstances 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.

9. The application stands **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.

(Subhash Vidyarthi,J.)

Order Date :- 7.11.2023
Preeti.