

Court No. - 16

Case :- CRIMINAL MISC ANTICIPATORY BAIL

APPLICATION U/S 438 CR.P.C. No. - 2625 of 2023

Applicant :- Premchandra And Another

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

Counsel for Applicant :- Desh Raj Singh Yadav

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi,J.

1. Heard Sri Desh Raj Singh Yadav, learned counsel for the applicants as well as Sri Jayant Singh Tomar, learned A.G.A.-I for the State and perused the record.
2. The instant bail application has been filed seeking anticipatory bail in case crime No.259/2023, under Sections 147, 149, 308, 323, 304, 506 I.P.C, registered at Police Station Rampur, District Sitapur.
3. The aforesaid case has been registered on the basis of a F.I.R. lodged on 21.08.2023 against four named persons, not including the applicants and 10-15 persons, alleging that the informant had gone to a village along with his accomplices for committing theft. The accused persons attacked them causing several injuries to several persons and death of one person.
4. The F.I.R No. 257 of 2023 was lodged in the same police station on 08:50 hours on 21.08.2023 against the informant of the present case, one Bhondu died in the incident and Ankit alleging that the accused persons were committing theft and upon being apprehended, they had assaulted some persons causing injuries to them.
5. In the affidavit filed in support of the anticipatory bail-application it has been contended that the applicants are

innocent, they have falsely been implicated in the present case and they have no criminal history.

6. Having considered the aforesaid facts and circumstances of the case and keeping in view the fact that several persons had received injuries in the incident and one person has died, I am of the view that the aforesaid facts do not warrant discretion of this Court by granting pre arrest bail to the applicants.

7. The bail application stands **rejected** accordingly. However, in case the applicants file application(s) 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 :- 9.11.2023

Preeti.