

Court No. - 16

Case :- CRIMINAL MISC ANTICIPATORY BAIL
APPLICATION U/S 438 CR.P.C. No. - 2838 of 2023

Applicant :- Tej Bahadur Yadav @ Ramu

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

Counsel for Applicant :- Ramakar Shukla

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi,J.

1. Heard Sri Abhinav Singh, Advocate holding brief of Shri Ramakar Shukla, learned counsel for the applicant as well as Sri Anurag Verma, learned A.G.A. - I for the State 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. 132 of 2023, under Sections 147, 148, 149, 307, 323, 427 & 506 I.P.C., registered at Police Station- Baldirai, District- Sultanpur.

3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 16.05.2023 against six named persons including the applicant, and three co-accused persons alleging that the accused persons had intercepted the informant and his cousin and they had robbed them of Rs. 50,000/- on pistol point and had beaten them up. The informant and his cousin have received numerous injuries in the incident.

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

5. Learned counsel for the applicant has submitted that a co-accused namely Shri Kuldeep Yadav has been granted anticipatory bail in the present case by means of order dated

11.08.2023 passed in **ABAIL No. 1787 of 2023**. Shri Kuldeep Yadav was granted bail on the consideration that one of the victims himself had lodged the FIR after three and half hours of the incident but he had not named that co-accused person in the FIR and no specific allegations had been levelled against him.

6. Per contra, the learned A.G.A.-I has submitted that the applicant has been named by the informant and, therefore, his case is not similar to the case of the co-accused Shri Kuldeep Yadav. Two co-accused persons Azad Tiwari @ Atul and Suresh Kumar Yadav have been granted bail by this Court and two other co-accused has been granted bail by the Sessions Court.

7. Having considered the aforesaid facts and circumstances of the case and keeping in view the fact that the informant and another person have received numerous injuries and the victim has specifically named the applicant and four other similar persons have been granted bail, I am of the view that the applicant does not deserve discretion of this court by granting him pre-arrest bail.

8. The anticipatory bail application is accordingly **rejected**.

9. However, in case the applicant moves an application for bail, the same shall be considered and decided in accordance with law by the court concerned without being influenced by any observation made by this court in this order.

Order Date :- 11.12.2023

Mohit Singh/-