

Court No. - 11

Case :- APPLICATION U/S 482 No. - 12381 of 2023

Applicant :- Bans Raj Yadav And Others

Opposite Party :- State Of U.P. Thru. Its Secy. Home, U.P. Lucknow And Another

Counsel for Applicant :- Jitendra Upadhyay

Counsel for Opposite Party :- G.A.

Hon'ble Saurabh Lavania,J.

1. Heard learned counsel for the applicants and learned AGA for the State as well as perused the record.
2. The present petition under Section 482 Cr.P.C has been filed by the applicant with the prayer to quash/set-aside the impugned charge sheet dated 07.06.2022 and summoning order dated 28.04.2023 as well as to set aside the entire proceedings of Case No. 11219 of 2023 (State v. Bansraj and others) in Case Crime No. 122 of 2022 under Sections 323, 504, 506, 325 IPC, Police Station - Chhapia, District- Gonda pending before Chief Judicial Magistrate, Gonda.
3. After arguing at some length, learned counsel for the applicants has submitted that liberty may be given to the applicant for moving a discharge application before the court below and the same may be decided expeditiously.
4. It is further prayed that liberty may also be given to the applicant to file bail application before the trial court which may be decided in view of law laid down by Hon'ble Supreme Court in the case of **Satender Kumar Antil versus Central Bureau of Investigation and another** reported in **(2021) 10 SCC 773**.
5. Learned AGA has no objection to the prayer made by learned counsel for the applicants.
6. As prayed, liberty is granted to the applicant to move discharge application before the court below and the same shall be decided expeditiously in accordance with law.
7. As far as prayer made by learned counsel for the applicant to grant liberty to the applicant to file bail application and the same may be decided in in view of law laid down in the case of **Satender Kumar Antil (supra)**, liberty is given to the applicant to move bail application before the trial court and the same shall be decided in view of law laid down in the case of **Satender Kumar Antil (supra)**.
8. With the aforesaid observations, the present petition is disposed of.

Order Date :- 19.12.2023

Mohit Singh/-