

Court No. - 16

Case :- CRIMINAL MISC ANTICIPATORY BAIL APPLICATION U/S 438
CR.P.C. No. - 2983 of 2023

Applicant :- Ram Abhilash

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

Counsel for Applicant :- Satish Kumar Srivastava, Ganga Prasad

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi, J.

1. Heard Sri Satish Kumar Srivastava, the learned counsel for the applicant as well as Sri Gyanendra Kumar the learned Additional Government Advocate appearing on behalf of 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.0381 of 2023 under Section 307 IPC, 25 Arms Act, Police Station Kunda, District Pratapgarh.
3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 17.10.2023 alleging that during a wedding ceremony of the informant's nephew, the applicant had fired with his licensee gun due to which bridegroom suffered injuries in both his legs and another person also received a gun shot injury.
4. Initially, the bridegroom had been taken to District Hospital at Pratapgarh from where he was referred to Prayagraj.
5. In the affidavit filed in support of the anticipatory bail-application, it has been contended that the applicant is innocent, he has no criminal history and he has falsely been implicated in the present case.
6. It has further been stated that the informant has subsequently retracted the allegations and has stated that the gun shot was fired by some unknown person.

7. The learned A.G.A. has opposed the prayer for bail and has submitted that investigation is going on, and at this stage, grant of anticipatory bail to the applicant will adversely affect the investigation.

8. Having considered the aforesaid facts and circumstances of the case and keeping in view the fact that the FIR categorically alleges shot fired by the applicant causing injuries to the bridegroom and another person, bridegroom received injuries in both of his legs and he had to be referred to a higher centre, I am of the view that the aforesaid facts do not warrant exercise of discretion of this Court by enlarging the applicant on anticipatory bail.

9. In view of the above, the anticipatory bail application of the applicant is **rejected**. However, in case the applicant files any bail application, the same shall be considered and decided, without being influenced by rejection of this anticipatory bail application.

Order Date :- 20.12.2023
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