

Court No. - 16

Case :- CRIMINAL MISC ANTICIPATORY BAIL
APPLICATION U/S 438 CR.P.C. No. - 2948 of 2023

Applicant :- Dhirendra Kumar Yadav @ Sheru Yadav

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

Counsel for Applicant :- Firoz Ahmad Khan

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi,J.

1. Heard Sri Firoz Ahmad Khan, learned counsel for the applicant and Sri Akhilesh Kumar Vyas, learned AGA and perused the record.
2. The instant application has been filed by the applicant seeking anticipatory bail in F.I.R. bearing Case Crime No.371 of 2023 under Sections 307, 332, 336 and 353 I.P.C., registered at Police Station Patti, District- Pratapgarh.
3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 03.09.2023 against three unknown persons, alleging that three unknown persons were trying to transport cow progeny in a commercial vehicle and when a police party approached them they started pelting stones on the police party, causing injury on the head of the driver of the police vehicle. When the police party tried to apprehend them, they escaped while continuing to pelt stones.
4. In the affidavit filed in support of the anticipatory bail-application, it has been contended that the applicant is innocent, he has been falsely implicated in the present case. The applicants involvement in four other criminal cases has been explained in paragraph 17 of the affidavit, in all of which he has already been granted bail.
5. The applicant was implicated in the present case on the basis of statement of co-accused person Lavkush Patel, who stated that the applicant was also involved in commissioning of the offense.
6. Having considered the nature of allegations i.e., pelting of stones on a police party and causing injury on the head of a police man, I am of the view that the aforesaid facts do not warrant granting of anticipatory bail to the applicant.

7. The bail 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.

Order Date :- 19.12.2023

Vipul