

Court No. - 31

Case :- CRIMINAL MISC ANTICIPATORY BAIL
APPLICATION U/S 438 CR.P.C. No. - 800 of 2024

Applicant :- Pratyush Jaiswal

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

Counsel for Applicant :- Kuldeep Kumar Srivastava, Pankaj Verma

Counsel for Opposite Party :- G.A.

Hon'ble Mrs. Sadhna Rani (Thakur), J.

1. Heard learned counsel for the applicant and learned A.G.A. through video conferencing from Allahabad.
2. This anticipatory bail application is moved on behalf of applicant- Pratyush Jaiswal with a prayer to grant him anticipatory bail in Case Crime No.0381 of 2023, under Sections 419, 420, 467, 468, 471 & 10 I.P.C. and Section 4 of U.P. Public Examination Act, 1998, Police Station Chinhath, District Lucknow East (Commissionerate Lucknow).
3. It is argued by the learned counsel for the applicant that as per F.I.R. allegation is that on behalf of the applicant, Shivam Gupta was appearing in the exam of UPSSSC. He was not apprehended from the spot. He (the applicant) was present at his house. Shivam Gupta who was arrested from the spot has been granted bail. He is named in the F.I.R. so he has an apprehension of his arrest, prayer to enlarge him on anticipatory bail is thus made.

4. Learned A.G.A., however, opposed the prayer of bail and submitted that on behalf of the present applicant, one Shivam Gupta was found appearing in the exam of UPSSSC. From the possession of Shivam Gupta forged Aadhar Card, bio-metric verification report, application, admit card, original copy of the exam, one OMR sheet, one Roll number & Enrollment Number and one copy of sitting plan had been recovered. Wherein, in all these documents, there is photograph of Shivam Gupta and the name description is of the present applicant-Pratyush Jaiswal Maurya. Thus, it is clear that in place of the present applicant-Pratyush Jaiswal Maurya, Shivam Gupta was appearing into the exam. Shivam Gupta has been enlarged on bail, after incarceration of about three and half months. No ground of anticipatory bail can be said to be made out.

5. From perusal of the record, it is found that there is allegation that on behalf of the present applicant one Shivam Gupta was found appearing into the exam of UPSSSC. From the possession of Shivam Gupta, all the above mentioned documents were found. In all those documents, the name and description given was of the present applicant-Pratyush Jaiswal Maurya and while the photograph was of Shivam Gupta. Shivam Gupta whose parity is being claimed by the applicant was granted a regular bail after about three and half months of incarceration.

6. Perusing the record, considering the facts and

circumstances of the case, the nature of allegations, arguments advanced by the learned counsel for the parties and without expressing any opinion on the merit of the case, I do not find it to be a fit case for granting anticipatory bail.

7. The anticipatory bail application is, hereby, **rejected**.

Order Date :- 26.4.2024

Anurag/-