

**Court No. - 42**

**Case :-** CRIMINAL MISC ANTICIPATORY BAIL APPLICATION U/S 438 CR.P.C. No. - 9998 of 2021

**Applicant :-** Shubham Modanval And 2 Others

**Opposite Party :-** State of U.P. and Another

**Counsel for Applicant :-** Jitendra Kumar, Shri Niwash Yadav

**Counsel for Opposite Party :-** G.A.

**Hon'ble Rohit Ranjan Agarwal, J.**

Heard Sri Shri Niwash Yadav, learned counsel for the applicants, learned A.G.A. for the State of U.P., and perused the record.

This Criminal Misc. Anticipatory Bail Application under Section 438 Cr.P.C. has been moved by the applicants seeking anticipatory bail in Case Crime No. 280 of 2020, under Sections 147, 148, 308, 323, 324, 504, IPC and 3(2)(va) of Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, Police Station Chopan, District Sonbhadra, during the pendency of the investigation.

Learned counsel for the applicants has submitted that the applicants have been falsely implicated in the present case and a cross FIR against the complainant/Informant has been lodged by the applicants on 17.10.2020 and both sides have sustained injuries. It is further contended that no grievous injury has been caused by the applicants and it is due to village party bandi that they have been implicated in the present case. Lastly, it is submitted that applicants have apprehension of imminent arrest and in case, applicants are released on anticipatory bail, they will not misuse the liberty and would co-operate with the investigation.

Learned A.G.A., who has accepted notice of this case on behalf of State of U.P. has opposed the prayer for granting anticipatory bail to the applicant and submitted that injuries caused are

grievous in nature and X-ray report of injured namely Uma Shanker Paswan, Mannu Paswan, Birendra Paswan and Dhirendra Kumar Paswan was conducted at C.H.C. Chopan, District Sonbhadra and the injuries causes are on the forehead.

In the light of above, looking to the facts and circumstances of this case, submissions of learned counsel for the parties as mentioned above, taking into consideration the role assigned to the applicants as per prosecution case, gravity and nature of accusation, as well as severity of injuries, this Court is of the view that no case for exercising its discretionary power under Section 438 Cr.P.C. is made out in favour of applicants.

Accordingly, this application under Section 438 Cr.P.C. is rejected.

**Order Date :- 31.5.2021**

Kushal