

**Court No. - 86**

**Case :-** APPLICATION U/S 482 No. - 29787 of 2021

**Applicant :-** Rakesh Verma And 3 Other

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

**Counsel for Applicant :-** Sanjay Kumar Mishra

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

**Hon'ble Gautam Chowdhary,J.**

Heard learned counsel for the applicants and learned A.G.A. for the State.

The present 482 Cr.P.C. application has been filed praying for quashing of N.B.W. order dated 20.1.2021 passed in Case Crime no. 138 of 2017 State vs. Rakesh and others, under sections 147, 149, 323, 504, 506, 336, 354(B) IPC and section 3(2)(5) SC/ST Act, P.S. Bankata, District Deoria rising out of S.T. no. 24 of 2018 pending in the court of ADJ/ Special Judge SC/ST Act, Court no. 3, Deoria.

The contention of learned counsel for the applicants is that no offence against the applicant is disclosed and the present prosecution has been instituted with a malafide intention for the purpose of causing harassment. He pointed out certain documents and statements in support of his contention.

Having heard the learned counsel for the applicants and perused the materials brought on record, it does not appear to be a fit case praying for quashing of impugned order. The prayer praying for quashing of same is hereby refused, at this stage as the argument raised by learned counsel for the applicants involves factual disputes and appraisal of evidence.

However, looking at the nature of offence alleged and attending facts and circumstances of the case, as have been brought on record, it is directed that if the applicants appear and surrender before the court below within **two weeks** from today and apply for bail, their prayer for bail shall be considered and decided in accordance with law.

For a period of **two weeks** from today, the non-bailable warrant issued against the applicants shall be kept in abeyance.

The present application stands **disposed of**.

**Order Date :-** 29.4.2022

RPD