

Court No. - 29

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 10160 of 2023

Applicant :- Salman

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

Counsel for Applicant :- Vishwa Nath Singh

Counsel for Opposite Party :- G.A.

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

Supplementary affidavit filed on behalf of the applicant is taken on record.

Heard learned counsel for the applicant, learned A.G.A. and perused the record.

The accused- applicant is involved in Case Crime No. 27 of 2022, under Sections 307, 394 I.P.C. and section 3 of Explosive Act, Police Station Jarwal Road, District- Bahraich.

It is argued by the learned counsel for the applicant that co-accused Suresh Verma and Suresh having identical role have already been granted bail by the coordinate bench of this court. The case of the applicant is identical to those of the co-accused persons, hence, the prayer for bail is made.

Learned A.G.A. opposed the prayer for bail of the applicant and submitted that the present applicant is having criminal history of 19 cases, so the case of the present applicant is distinguishable from those of the co-accused persons who have already been granted bail by this court.

From the perusal of the record, it is found that as per the FIR, there is allegation that in the night of 11/12.2.2022 when Shamim Ahmad and Anand Jaiswal were sleeping in side the hospital on separate beds, at about 3.00 a.m. four persons came and started asking about doctor Anand Jaiswal, the first informant. They also avorted that they had come to put to death Dr. Anand Jaiswal. One of them threw a Sutali Bomb which exploded hitting the wall. They started shouting that this bomb had injured co accused Suresh. When all of them started running back, one more sutali bomb was thrown which exploded on the road and again one companion of the accused persons got injured and his amputated fingers fell down on the road. Shamim Ahmad also sustained injuries. The injury report

of Shamim Ahmad has been placed before the court wherein all the injuries sustained by him were found to be simple. But no injury report of Anand Kumar the first informant has been placed before the court. Both the named injured accused persons Suresh Verma and Suresh have been granted bail by the coordinate benches of this court. Regarding argument that there is criminal history of 19 cases to the credit of the present applicant, the learned counsel for the applicant placed the criminal history of Suresh Verma having criminal history of 21 cases who has already been bailed out by the coordinate bench of this court. It is not argued by the learned A.G.A. that the cases as mentioned in the criminal history of Suresh Verma are less heinous than the cases mentioned in the criminal history of the present applicant. The applicant is languishing in jail since 16.2.2022.

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 find it to be a fit case of bail.

The bail application is allowed.

Let the applicant Salman who is involved in aforesaid crime be released on bail on his furnishing a personal bond and two sureties each in the like amount to the satisfaction of the court concerned subject to following conditions.

1. The applicant will attend and co-operate the trial proceedings pending before the court concerned on the dates fixed after release.
2. He will not tamper with the witnesses.
3. He will not indulge in any illegal activities during the bail period.

The identity, status and residential proof of sureties will be verified by the court concerned and in case of breach of any of the above conditions, the trial court shall be at liberty to cancel the bail and send the applicant to prison.

It is clarified that the observations, if any, made in this order are strictly confined to the disposal of this bail application and must not be construed to have any reflection on the ultimate merits of the case.

Order Date :- 30.11.2023/Gss