

Court No. - 37

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 48721 of 2023

Applicant :- Mithun Paswan

Opposite Party :- State of U.P.

Counsel for Applicant :- Ramesh Kumar Singh

Counsel for Opposite Party :- G.A.

Hon'ble Ajay Bhanot,J.

This is the second bail application.

By means of the the bail application the applicant has prayed to be enlarged on bail in Case Crime No. 244 of 2021 at Police Station- Chauri Chaura, District- Gorakhpur under Section 3(1) of the U.P. Gangster and Anti-social Activities (Prevention) Act, 1986. The applicant is in jail since 15.06.2021.

The first bail application of the applicant was rejected by this court on 30.03.2022.

The following arguments made by Sri Ram Kumar Singh, learned counsel on behalf of the applicant, which could not be satisfactorily refuted by Ms. Sujata Chaudhary, learned AGA from the record, entitle the applicant for grant of bail:

- (1). The applicant has been falsely implicated in the instant case.
- (2). The applicant has been enlarged on bail in the three criminal cases depicted in the gang chart. He is not a member of any criminal gang.
- (3). The applicant has explained his criminal history. It is contended that the applicant belongs to the economically poor

strata of the society and is a convenient scapegoat for the police authorities. The applicant has been falsely nominated in a solitary case only to show the proficiency of the police investigators. The criminal case does not depict commission of any heinous crime. The said case does not have any bearing on the instant bail application.

(4). The applicant is not a flight risk. The applicant being a law abiding citizen has always cooperated with the investigation and undertakes to cooperate with the court proceedings. There is no possibility of his influencing witnesses, tampering with the evidence or reoffending.

In the light of the preceding discussion and without making any observations on the merits of the case, the bail application is allowed.

Let the applicant- Mithun Paswan be released on bail in the aforesaid case crime number, on furnishing a personal bond and two sureties each in the like amount to the satisfaction of the court below. The following conditions be imposed in the interest of justice:-

(i) The applicant will not tamper with the evidence or influence any witness during the trial.

(ii) The applicant will appear before the trial court on the date fixed, unless personal presence is exempted.

Order Date :- 16.11.2023

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