

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 8709 of 2023

Applicant :- Jumman @ Akbar

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

Counsel for Applicant :- Ambrish Kumar, Shiv Pal Singh

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi, J.

1. Heard Sri Shiv Pal Singh, learned counsel for the applicant, Sri Jayant Singh Tomar, the learned A.G.A.-I for the State and perused the records.

2. The instant application has been filed seeking release of the applicants on bail in Case Crime No. 70 of 2023, under Sections 3/ 4/ 5 of Explosive Substance Act, Police Station Khairighat, District Bahraich.

3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 05.03.2023 against five persons, including the applicant and his family members, alleging that an explosion took place in the applicant's house. Three persons arrayed as co-accused namely Suka alias Batula, Bitti and Shabnam had died in the incident and still they have been made accused in the FIR.

4. In the affidavit filed in support of bail application, it has been stated that there was a wedding in the applicant's home on 25.02.2023 and some fireworks material was kept in the house for that reason and it exploded accidentally.

5. The learned A.G.A. has opposed the prayer for bail but he could not dispute the aforesaid aspects of the matter.

6. Having considered the aforesaid facts and circumstances of the case and keeping in view the fact that the police has implicated three persons as accused, who have died in the incident and that the applicant has no previous criminal history and he is languishing in jail since 17.05.2023, I am of the view that the aforesaid facts are sufficient for making out a case for enlargement of the applicant on bail in the aforesaid crime.

7. Accordingly, this bail application stands ***allowed***.

8. Let the applicant-***Jumman @ Akbar*** be released on bail in Case Crime No. 70 of 2023, under Sections 3/ 4/ 5 of Explosive Substance Act, Police Station Khairighat, District Bahraich on furnishing a personal bond and two sureties each in the like amount to the satisfaction of magistrate/court concerned, subject to following conditions:-

- (i) the applicant shall not tamper with the prosecution evidence;
- (ii) the applicant shall not pressurize the prosecution witnesses;
- (iii) the applicants shall appear on each and every date fixed by the trial court.

Order Date :- 12.10.2023

Pradeep/-