

Court No. - 28

Case :- APPLICATION U/S 482 No. - 10736 of 2023

Applicant :- Babban Pasi @ Raj Kumar

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

Counsel for Applicant :- Uma Kant Gupta

Counsel for Opposite Party :- G.A.

Hon'ble Shree Prakash Singh,J.

Heard learned counsel for the applicant, Sri Suhil Kumar Pandey, learned A.G.A. for the State and perused the material placed on record.

By means of the instant application, the applicant has prayed that this Court may be pleased to direct the learned Court below not to insist the applicant to file separate sureties and bonds in each and every 14 cases and accept only two sureties and one personal bond in lieu of all the 14 cases.

The learned counsel appearing for the applicant submits that it has become impossible for the applicant to submit separate sureties and bonds in each of cases, in which, he has been granted bail. He added that the applicant has been granted bail in 14 cases arising out of following Case Crime Numbers :-

1)Case Crime No. 246 of 2019, under Sections 457/380/411 of IPC, PS-Sareni, District -Raebareli.

2)Case Crime No. 251 of 2019, under Sections 457/380/411 of IPC, PS-Sareni, District -Raebareli

3)Case Crime No. 298 of 2019, under Sections 457/380 of IPC, PS-Sareni, District -Raebareli.

4)Case Crime No. 309 of 2019, under Sections 457/380/411 of IPC, PS-Sareni, District -Raebareli.

5)Case Crime No. 310 of 2019, under Sections 457/380/411 of IPC, PS-Sareni, District -Raebareli.

6)Case Crime No. 316 of 2019, under Sections 399/402/307 of IPC, PS-Sareni, District -Raebareli.

7)Case Crime No. 146 of 2019, under Sections 457/380/411 of IPC, PS-Gurubuxganj, District -Raebareli

8)Case Crime No. 147 of 2019, under Sections 457/380/411 of IPC, PS-Gurubuxganj, District -Raebareli.

9)Case Crime No. 178 of 2019, under Sections 457/380/411 of IPC, PS-Gurubuxganj, District -Raebareli.

10)Case Crime No. 179 of 2019, under Sections 457/380/411 of IPC, PS-Gurubuxganj, District -Raebareli.

11)Case Crime No. 180 of 2019, under Sections 457/380/411 of IPC, PS-Gurubuxganj, District -Raebareli.

12)Case Crime No. 206 of 2019, under Sections 457/380/411 of IPC, PS-Gurubuxganj, District -Raebareli.

13)Case Crime No. 211 of 2019, under Sections 457/380/411 of IPC, PS-Gurubuxganj, District -Raebareli.

14)Case Crime No. 80 of 2019, under Sections 302/201/394/411/404 of IPC, PS-Jagatpur, District -Raebareli.

He next added that despite the Trial Court granted the bail in aforesaid matters, the applicant is still in jail. Being a poor person, he is unable to produce the sureties in each cases. It is further submitted by the learned counsel for the applicant that in similar circumstances, namely, in the case of **Hani Nishad @ Mohammad Imran @ Vikky vs. The State of Uttar Pradesh [SLP (Crl.) No.8914-8915/2018]** the Supreme Court vide order dated 29.10.2018 has permitted the petitioners to submit separate personal bonds and **two sureties of heavy amount** to hold good in all the cases.

Referring the aforesaid judgement and order, he submits that the applicant may also be given the benefit of the ratio of the judgement passed in

Hani Nishad @ Mohammad Imran @ Vikky (supra).

Considering the aforesaid fact, the petition is **disposed of** with a direction to the applicant to furnish a personal bond of Rs.3,00,000/- and two sureties of the like amount in one case, which shall be treated to be valid in all other cases wherein the bail orders have been passed.

Order Date :- 2.11.2023
AKS