

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 14904 of 2023

Applicant :- Sarim Khan @ Kaifi

Opposite Party :- State Of U.P. Thru. Prin. Secy. Deptt. Of Home Civil Sectt.
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Counsel for Applicant :- Alok Singh, Ajitanshu Tripathi

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi, J.

1. Heard Sri Alok Singh, learned counsel for the applicant, Smt Anupriya Jaiswal, learned A.G.A. for the State and Sri Vishwanath Tiwari, learned counsel for the informant and perused the records.

2. The instant application has been filed seeking release of the applicant on bail in Case Crime No.274 of 2023, under Sections 307, 504, 506, 120B, 34 I.P.C., registered at Police Station Akhandnagar, District Sultanpur.

3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 24.08.2023 against two named persons, not including the applicant, and two unknown persons riding a motorcycle, stating that named accused persons run a degree college and an inter college. They have a criminal history. On 12.10.2023, the applicant had gone to the spot of occurrence where Tehsildar and S.H.O. had come for making enquires and when the informant tried to give a statement the accused persons had threatened him. At about 7 :45 Hours on 23.10.2023, when the informant was sitting at his shop, motorcycle borne miscreants fired towards him but the bullet got stuck in the door made of Aluminum and Glass.

4. In the affidavit filed in support of bail application, it has been stated that the applicant is innocent, he has been falsely implicated in the present case and he has no previous criminal history.

5. A supplementary affidavit has been filed disclosing applicant's

involvement in another case under Arms Act and on the basis of present case itself.

6. The learned A.G.A. has opposed the prayer for bail and on the basis of instructions she has submitted that the applicant has been implicated on the basis of statement of an eye witness. A copy of the statement has been produced by the learned State Counsel for perusal of the Court and he stated that he had seen four persons riding two motorcycles and both persons riding on pillion sit of motorcycles had fired one shot each. He further stated that he could identify only two persons namely, Subham Dubey and the applicant but he named two other persons also on the basis of information gathered subsequently. He has stated that the applicant was riding one of the motorcycles.

7. Having considered the aforesaid facts and circumstances of the case and keeping in view the fact that the applicant is not named in the FIR; that even eye witness on the basis of whose statement the applicant has been implicated, has stated that the applicant was driving a motorcycle and shots were fired by the persons riding on pillion; that no person has received any injury in the incident; that the informant has alleged involvement of two persons in commission of the offence whereas eye witness stated that four persons riding on two motorcycles were involved in commission of the offence and without making any observation, which may affect the merits of the case, 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.

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

9. Let the **applicant**-Sarim Khan @ Kaifi be released on bail in aforementioned case 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 applicant shall appear on each and every date fixed by the trial court.

(Subhash Vidyarthi, J.)

Order Date :- 20.12.2023
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