



2025:AHC-LKO:53344

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

CRIMINAL MISC. BAIL APPLICATION No. - 2827 of 2025

Sarfaraz Ansari @ Munni

.....Applicant(s)

Versus

State Of U.P. Thru. Prin. Secy. Home Lko.

.....Opposite
Party(s)

Counsel for Applicant(s)	: Siddhartha Sinha, Arun Sinha
Counsel for Opposite Party(s)	: G.A., Brij Mohan Sahai

Court No. - 13

HON'BLE SUBHASH VIDYARTHI, J.

1. Heard Sri Siddharth Sinha and Sri Mohammad Taha Chishti, Advocate, the learned counsel for the applicant, Sri V.K. Shahi, the learned Additional Advocate General assisted by Sri Alok Tiwari, the learned A.G.A. for the State and Sri Brij Mohan Sahai, the learned counsel for the complainant.
2. The instant application has been filed seeking release of the applicant on bail in Case Crime No. 23 of 2023, under Sections 147, 148, 149, 302 I.P.C., registered at Police Station Mohammadabad, District Ghazipur.
3. The aforesaid case has been registered on the basis of F.I.R. lodged on 20.01.2023 against five persons, not including the applicant, stating that the informant's son Manoj Kumar Rai had told that he was working with named accused Mukhtar Ansari. For some reasons, Mukhtar Ansari had got angry and had threatened him, and thereafter, Manoj Kumar Rai had apologized and he again started working for him. On 14.07.2001, some accomplices of Mukhtar Ansari had taken away the informant's son, Manoj Kumar Rai and on the next date, the informant got information about the murder of his son. At that time, there was terror of Mukhtar Ansari in the society and, therefore, the informant kept quiet for so many years.

4. In the meanwhile, persons from the side of Mukhtar Ansari had threatened him repetitively and the complainant came to know that a story was cooked up regarding murder of his son. Now, that Mukhtar Ansari is no more a Member of Legislative Assembly since the year 2022, and his son has also been declared as absconder, the complainant has disclosed to the police that his son had been killed by Mukhtar Ansari and his companions.

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

6. Although, the applicant is not named in the F.I.R, his name has surfaced during investigation from the statement of five witnesses, a copy whereof has been annexed with the counter affidavit filed by the State. The eye-witness has assigned a role of catching hold to the applicant whereas the role of firing a shot has been assigned to some other accused person.

7. The learned counsel for the applicant has submitted that an F.I.R bearing Case Crime No. 251 of 2001 was lodged on 15.07.2001 by co-accused Mukhtar Ansari. After investigation, a charge-sheet was submitted in that case and trial of the case is going on. He further submitted that the applicant had also suffered a gun shot injury in the incident and he is an injured witness and he has been examined in the case instituted in the year 2001 as a prosecution witness.

8. The learned counsel for the applicant has submitted that the present F.I.R has been lodged 22 years after the first information report regarding the incident had already been lodged and this is the second report regarding the same incident, which is the subject matter of an ongoing trial in furtherance of the first information report lodged in the year 2001 itself.

9. The learned counsel for the applicant has placed reliance on a judgement of the Hon'ble Supreme Court in the case of **Sumdeh**

Singh Saini Vs. State of Punjab and another; (2021) 15 SCC 588, wherein the Hon'ble Supreme Court granted bail *inter alia* on the ground that the F.I.R has been lodged 29 years after the date of the incident. He further submitted that the State is conducting two different prosecution regarding the same incident, on the basis of two different F.I.Rs containing two different stories, which conduct of the State is not proper.

10. The learned A.A.G as well as the learned counsel for the complainant have vehemently opposed the bail application.

11. The learned counsel for the complainant has stated that the explanation given for the delay in lodging of the F.I.R i.e. because of terror of the named co-accused Mukhtar Ansari, the informant could not gather courage for lodging the FIR bringing out the correct facts, is a sufficient explanation. He has further submitted that the offence alleged is a very heinous offence and even after commission of the offence, the informant was constantly terrorized for long number of years and, in these circumstances, the applicant should not be enlarged on bail.

12. Having considered the aforesaid facts and circumstances of the case and keeping in view the fact that the first information report of the incident was already registered with the police in the year 2001 itself; it does not appear proper that a second first information report of the same incident was registered after 22 years; more particularly that the investigation on the first information report already stands concluded and the prosecution has already submitted a charge-sheet on the basis whereof an investigation is going on; the informant is an injured prosecution witness in the first information report from which trial is continuing after the charge-sheet submitted by the informant and that the applicant has no criminal history and he is languishing in jail since 15.07.2023, I am of the view that the aforesaid facts are sufficient for making out a case for enlargement of the applicant on bail.

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

14. Let the applicant- **Sarfaraz Ansari @ Munni** 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 the 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.

15. It is clarified that any observation made in the order will not affect the merits of the case.

September 4, 2025

Preeti.

(Subhash Vidyarthi,J.)