

**IN THE HIGH COURT OF JUDICATURE FOR  
RAJASTHAN AT JAIPUR BENCH, JAIPUR.**

**S. B. Criminal Misc. Bail Application No. 1878 of 2021**

SHAHBAZ AHMAD S/o Sh. Mumtaz Ahmad,

Aged about 48 Years, R/o Mohalla Katra Bazar,  
Bhadohi, U.P Presently lodged in Central Jail, Jaipur.

.....Accused/Petitioner

**VERSUS**

THE STATE OF RAJASTHAN THROUGH P.P.

..... Respondent

S.B. Criminal Misc. Bail Application under section 439 Cr.P.C. against the order dated 16.01.2021 passed by the Ld. Judge Harinder Singh RHJS Special Judge, Bomb Blast Cases Jaipur (Rajasthan) in Bail Application No. 13 of 2020 in Session Case No. 01 of 2020 under section 121A, 124A, 307 and 120B of IPC, 4,5 and 6 of Explosive Substance Act, 1908 and 4,5 and 6 of U.A.P. Act., arising out of F.I.R. No. 121 of 2008 registered at Police Station Kotwali, Jaipur Metropolitan, Jaipur for offence under section 153, 153-A IPC, 4,5 and 6 of Explosive Substance Act, 1908 and 16 (A), & 18 of U.A.P. Act.



सही - प्रतिलिपि  
प्रशासनिक अधिकारी न्यायिक  
राजस्थान उच्च न्यायालय पीठ,  
जयपुर

HIGH COURT OF JUDICATURE FOR RAJASTHAN  
BENCH AT JAIPUR

S.B. Criminal Miscellaneous Bail Application No.  
1878/2021

Shahbaz Ahmad S/o Sh. Mumtaz Ahmad, Aged About 48 Years,  
R/o Mohalla Katra Bazar Bhadohi U.P. Presently Lodged In  
Central Jail Jaipur.

----Petitioner

Versus

State Of Rajasthan, Through Pp

----Respondent

For Petitioner(s) : Mr. Mujahid Ahmad through VC  
Mr. Nishant Vyas  
For Respondent(s) : Mr. Rajendra Yadav, AAG  
Mr. Riyasat Ali, PP

HON'BLE MR. JUSTICE PANKAJ BHANDARI

Judgment / Order

24/02/2021

1. Petitioner has filed this bail application under Section 439 Cr.P.C.
2. F.I.R. No.121/2008 was registered at Police Station Kotwali, Jaipur Metropolitan, Jaipur for offence under Sections 153 & 153-A I.P.C., Sections 4, 5 & 6 of Explosive Substance Act. and Sections 16A, 18 of U.A.P. Act.
3. It is contended by counsel for the petitioner that as many as nine F.I.Rs. were lodged on 13.05.2008, with regard to bomb blast which took place at Jaipur (Raj.). Police filed charge-sheet in eight cases against five accused-persons. In all the eight cases, out of five persons, four persons have been given death penalty and only present petitioner was acquitted in all eight cases. It is also



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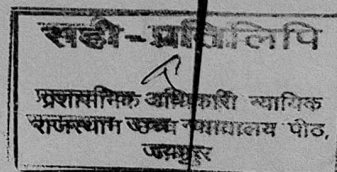
contended that after acquittal, petitioner was not released and when petitioner inquired from the Jail Authorities, he was informed that two more cases were still pending against him. Petitioner was granted bail in one of the two cases on 08.01.2021 by the Apex Court, however, petitioner was arrested from the jail in the present F.I.R. on 25.12.2019.

4. It is further contended that all the nine F.I.Rs. are of the year 2008, are relating to bomb blast cases. Charge-sheet was filed in only eight cases and in all the eight cases, petitioner has been acquitted. There is no reason for arresting the petitioner after twelve years of lodging of the F.I.R. when the allegations in all the F.I.Rs. are same.

5. Learned Additional Advocate General appearing on behalf of the State has not disputed the facts, which have been placed before the Court. He has admitted that all the nine F.I.Rs. pertain to bomb blast cases and are similar.

6. I have considered the contentions.

7. It is indeed surprising that when the petitioner was languishing in jail (I am using the term 'languishing in jail' because petitioner remained in custody for twelve years and was ultimately found not guilty in all cases). As to why the petitioner was not arrested in this case when he remained in custody for twelve years, is a query put up before the learned Additional Advocate General, to which the learned Additional Advocate General is clueless. Learned Additional Advocate General was not in a position to apprise the Court as to why petitioner has been arrested in the present F.I.R. when he was held not guilty in eight



similar F.I.Rs.

8. Considering the contentions put forth by counsel for the petitioner and taking note of the fact that the present F.I.R. is akin to the eight F.I.Rs. in which the petitioner has been found not guilty, I deem it proper to allow the bail application.

9. This bail application is, accordingly, allowed and it is directed that accused-petitioner shall be released on bail provided he furnishes a personal bond in the sum of Rs.1,00,000/- (Rupees One Lac only) together with two sureties in the sum of Rs.50,000/- (Rupees Fifty Thousand only) each to the satisfaction of the trial Court with the stipulation that he shall appear before that Court and any Court to which the matter be transferred, on all subsequent dates of hearing and as and when called upon to do so.

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(PANKAJ BHANDARI), J

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