

Court No. - 10

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 9049 of 2022

Applicant :- Ankit Das S/O Gopal Das (Short Term Bail)

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

Counsel for Applicant :- Salil Kumar Srivastava,Rahul Srivastava

Counsel for Opposite Party :- G.A.

Hon'ble Dinesh Kumar Singh,J.

1. Heard Mr. Salil Kumar Srivastava, learned counsel for the accused-applicant, as well as Mr. Rao Narendra Singh, learned Additional Government Advocate, representing respondent-State, and gone through the record.

2. By means of this bail application, accused-applicant, Ankit Das seeks short-term bail on medical ground in FIR No.0219 of 2021, under Sections 147, 148, 149, 302, 120-B, 307, 326/34 and 427/34 IPC read with Section 30 Arms Act and Section 177 of the Motor Vehicles Act lodged at Police Station Tikuniya, District Lakhimpur Kheri.

3. Regular bail application of the accused-applicant came to be rejected by this Court vide order dated 09.05.2022 passed in bunch of applications, leading Criminal Misc. Bail Application No.2986 of 2022.

4. As per the allegations in the FIR, on 3.10.2021, the local farmers and labourers got collected in a large number in the playground of Maharaja Agrasen Inter College, Tikonia, Kheri to show black flags to Union Minister of State for Home, Ajay Mishra @ Teni and Sri Keshav Prasad Maurya, Deputy Chief Minister, Government of Uttar Pradesh in a peaceful manner. The main accused, Ashish Mishra @ Monu, son of the Union Minister of State for Home in 3-4 four wheeler vehicles having 15-20 unknown persons armed with fire arms came in a high speed from Banveerpur to the meeting ground of the farmers and the labourers. Accused, Ashish Mishra @ Monu was sitting on left side of his Mahendra Thar vehicle and he was firing from a fire arm in his hand. His car was moving forward crushing the protesters. As a result of firing, farmer, Gurvinder Singh S/o Sukhvinder Singh, resident of Village Matronia, Nanpara, aged about 22 years died, on the spot and the other vehicles also crushed the farmers/protesters standing on both the sides of the road. The number of two vehicles were UP31

AS 1000 and UP32 KM 0036 and there was a third vehicle Mahindra Scorpio.

5. It is further alleged that because of the high speed of the vehicle Mahindra Thar, on which the accused, Ashish Mishra @ Monu was sitting and firing, lost its control and fell down in a trench, as a result thereof, many bystanders received serious injuries. Accused, Ashish Mishra @ Monu taking cover while firing, went inside a sugarcane field. The informant further said that in the incident, altogether four farmers had died whose names were given as Gurvinder Singh S/o Sukhvinder Singh, resident of Village Matronia, Nanpara, aged about 22 years, Daljeet Singh S/o Hari Singh, resident of Village Banjara Tanda, Nanpara, aged about 35 years, Nakshatra Singh S/o Sukha Singh, resident of Village Namdapurwa Dhaurhara Tehsil (Kheri) and Lavpreet Singh S/o Satnam Singh, resident of Village Chowkadafarm, Palia Kalan, Kheri. Many other farmers had also received serious injuries.

6. It is further said that before the date of incident, in a viral video, the Union Minister of State for Home, Ajay Mishra @ Teni had given threat to the farmers that the farmers would be expelled and chased away from the State. Enraged and agitated by the threats and utterances of the Union Minister of State for Home, the farmers decided to organize a protest meeting against the said threats of the Union Minister of State for Home. It is further said that despite the video, in which the Union Minister of State for Home had given threats to the farmers went viral, Central Government did not take any action against the Union Minister of State for Home. It is alleged that emboldened and encouraged by the said fact. Union Minister's son, Ashish Mishra @ Monu along with other co-accused in order to show his power, might, strength, dominance and hegemony, has committed the diabolic and barbaric crime of crushing the innocent farmers staging peaceful protest against the Union Minister of State for Home.

7. It is also alleged that on 29.9.2021, several thousand farmers had gathered in the Khairaitya Village in Lakhimpur Kheri District to celebrate the birth anniversary of Sardar Bhagat Singh and to protest against the Indian Agricultural Acts of 2020. During this gathering, the farmers had taken objection to certain comments/threats allegedly made/given by Sri Ajay Mishra @ Teni, Union Minister of State for Home. In the course of the meeting, the farmers had decided to organize a protest against Sri Ajay Mishra @ Teni in his ancestral village on 3.10.2021. Various farmers' organizations issued appeals to their members and supporters to participate in the demonstration, and pamphlets were also distributed.

8. On 3.10.2021, an annual wrestling competition was being organized by accused, Ashish Mishra @ Monu. The programme was to be attended by his father, Sri Ajay Mishra, Union Minister of State for Home as well as by Sri Keshav Prasad Maurya, Deputy Chief Minister of the State of Uttar Pradesh. A helipad was constructed on the playground of Maharaja Agrasen Inter College, Tikonia. A crowd of farmers started gathering near the helipad in the morning of 3.10.2021 and they dug up the helipad. As the Helicopter carrying the Deputy Chief Minister would not get landed because of the presence of the large number of the protesters and also as the helipad was dug up, it was decided that the Chief Guest would travel by road to reach the venue of wrestling competition. The road route was, however, passing in front of the Maharaja Agrasen Inter College, where the protesting farmers had gathered and thus, the authorities decided to take the Chief Guest, Sri Keshav Prasad Maurya, Deputy Chief Minister from another alternate route, which was kept secret. This alternate route of travel for Sri Keshav Prasad Maurya, Deputy Chief Minister was made known to the organizers i.e. Ashish Mishra @ Monu and others and, it was also made known to Sri. Ajay Mishra @ Teni, Union Minister of State for Home.

9. It is said that some supporters of Ashish Mishra @ Monu, who were travelling by a Car to the wrestling venue, were attacked by certain farmers. The mirrors of their vehicles were smashed. A hoarding board displaying pictures of Sri Ajay Mishra and accused, Ashish Mishra was also damaged. It is alleged that these events and the actions of protesting farmers, enraged the accused, Ashish Mishra @ Monu. He, therefore, conspired with his aides and confidants and decided to teach the protesting farmers a lesson. It is also alleged that accused, Ashish Mishra @ Monu and his aides armed with weapons, left the wrestling competition venue in vehicles as mentioned in the FIR and drove in a very high speed towards the Maharaja Agrasen Inter College. When the farmers were returning to their homes after their protest was over, the accused, Ashish Mishra @ Monu with his associates, who were in the aforesaid three vehicles, allegedly drove into the crowd of the returning farmers and hit and crushed them with an intention to kill. As a result thereof, many farmers and others were crushed by the speeding vehicles. After the Thar vehicle was eventually stopped, accused, Ashish Mishra @ Monu and co-accused, Sumit Jailswal stepped out of the Thar vehicle and escaped running towards a nearby sugarcane field while taking cover by firing from their weapons. As a consequence of this incident, four farmers, one journalist, the driver of the Thar vehicle, Hariom and two others were killed and nearly ten farmers

suffered major and minor injuries.

10. Learned counsel for the accused-applicant submits that the accused-applicant is facing multiple health issues; his health has got deteriorated during his incarceration in jail since 13.10.2021.

11. This Court issued notice to the State vide order dated 26.08.2022 to file its counter affidavit.

12. Counter affidavit on behalf of the State has been filed, annexing therewith copy of the medical status report of the accused-applicant. The medical status report from the jail reads as under:-

"This certify that UT Ankit Das s/o Late Shri Gopal Krishna R/o Babu Banarasi Bhawan Chhota Park P/S Hussainganj Lucknow age about 38 yr is K/C/O Piles, DM-II, Hypertension, PIVD (L4-L5) IBD. He is taking treatment from physician from Lko UP. In District jail hospital he is advised for blood investigation & proper diet from regular physician unit from District Hospital Kheri on 20.04.2022.

Now he is taking Antihypertension Anti Diabetics & Analgesics as advised by Neurosurgeon & General Physician from LKo U.P.

His Diabetes & HTN is under control e Medicines & all facilities and medicine are provided to him by jail hospital & will make his visit to Higher Center in future if needed, at present patient health status is normal."

13. The Jail Superintendent, in his separate report, has mentioned that commodes are available in the jail as well as in the hospital.

14. Mr. Salil Kumar Srivastava, learned counsel for the accused-applicant, submits that the accused-applicant needs to get his regular check up for liver fibrosis. Since the date of his incarceration i.e. 13.10.2021, no check up has been conducted in respect of his liver fibrosis. It is further submitted that the liver fibrosis may lead to cancer. He also submits that he cannot dispute the report from the jail, however, if this Court thinks it proper, the accused-applicant may be granted short-term-bail to get his check up done properly.

15. Considering the aforesaid fact that the accused-applicant is allegedly suffering from liver fibrosis and, he needs to get his regular check done, it would be appropriate to grant him interim bail on medical ground.

16. Let applicant, **Ankit Das**, accused of aforesaid crime number, be released on **interim bail for 15 days** on his filing a

personal bond and two sureties each in the like amount to the satisfaction of the Court/Magistrate concerned.

17. The accused-applicant shall surrender before the trial Court concerned immediately on expiry of 15th day from the date of his release from the prison. In case of his failure to surrender immediately after expiry of 15 days, as directed above, this Court will take a serious view and pass order accordingly.

18. *Let the matter be listed on 20.09.2022.*

Order Date :- 2.9.2022

MVS/-