

Court No. - 45

Criminal Misc. Bail Application No.01 of 2021

In

Case :- CRIMINAL APPEAL No. - 510 of 2021

Appellant :- Bhagwan

Respondent :- State of U.P.

Counsel for Appellant :- Indra Mohan Singh

Counsel for Respondent :- Ashok Kumar Yadav,G.A.

Hon'ble Saumitra Dayal Singh,J.

Hon'ble Dr. Gautam Chowdhary,J.

1. Heard Sri Anuj Bajpayee, learned Advocate holding brief of Sri Indra Mohan Singh, learned counsel for the appellant, Sri Patanjali Mishra, learned A.G.A.-I for the State, Sri Ashok Kumar Yadav, learned counsel for the informant and perused the record.

2. The present bail/suspension of sentence application in this appeal has been preferred on behalf of the accused appellant-Bhagwan to suspend the sentence and to enlarge him on bail, who has been convicted in Sessions Trial No.65 of 2015 (State Vs. Bhagwan), arising out of Case Crime No.1735 of 2014, under Sections 302 & 506 IPC, Police Station-Gauri Bazar, District-Allahabad. Maximum sentence awarded to him is life imprisonment. The bail application of the appellant is being disposed of by this order.

3. Submission is, the conviction has arisen on the testimony of interested witness, namely, son of the deceased. Parties are inter-related. Solely for reason of other civil disputes pending between them, the accused appellant has been falsely implicated. Then, it has also been suggested that there was no pre-meditation. The occurrence took place at the spur of the moment. A single gun shot injury was caused, which resulted in death. Citing the period of incarceration suffered by the appellant, which is more than 11

years, prayer for grant of bail has been sought.

4. On the other hand, learned A.G.A. as well as learned counsel for the informant has opposed the bail application on the strength of prosecution evidence, it is described to be wholly consistent as to the occurrence. Pre-meditation has been suggested for reason that the deceased was shot at without any warning. Also, it has been referred that the appellant was earlier convicted for another offence under Section 302 I.P.C.

5. Having heard learned counsel for the parties and having perused the record. Without making any other observation as may affect the final merits of the appeal, at present, the prosecution story is based on direct evidence of an occurrence that took place in the morning hours. There is no apparent contradiction shown as may warrant any indulgence to be granted, at this stage, therefore, no good ground is made out to enlarge the appellant-Bhagwan on bail. Accordingly, the bail application pressed on behalf of the appellant-Bhagwan is hereby **rejected**, at this stage.

Order on Appeal

6. Lower court record has been received. Let Paper book be prepared.

7. List this appeal for final hearing in ordinary course.

Order Date :- 7.2.2025

Anurag/-

(Dr. Gautam Chowdhary,J.) (S.D. Singh,J.)