



**HIGH COURT OF JUDICATURE AT ALLAHABAD**

**CRIMINAL APPEAL No. - 156 of 2021**

Ramkishan @ Pappu

.....Appellant(s)

Versus

State of U.P.

.....Respondent(s)

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Counsel for Appellant(s) : Ajay Kumar Pathak, Dileep Kumar Dwivedi, Shive Datta Yadav, Vijay Prakash Chaturvedi  
Counsel for Respondent(s) : G.A.

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**Court No. - 46**

**HON'BLE AJAY BHANOT, J.**

**HON'BLE DIVESH CHANDRA SAMANT, J.**

**Order on Appeal**

Office is directed to forthwith prepare the paperbook and provide it to the learned counsel for the appellant.

List this matter on 16.04.2026 in the top 20 cases.

**Order in Bail Application**

By means of the bail application the appellant has prayed to be enlarged on bail during the pendency of the appeal in Sessions Trial No.73 of 2015 (State v. Ramkishan @ Pappu) arising out of Case Crime No.220 of 2015 under Section 376 I.P.C. and Section 4 of the POCSO Act, Police Station-Sahpau, District-Hathras. The appellant is in jail since 09.05.2025.

Shri Anuj Datta, learned counsel holding brief of Shri Shiv Datta Yadav, learned counsel for the appellant submits that the following grounds and the material aspects which were neglected from consideration or not properly appreciated by the learned trial court in accordance with law could not be satisfactorily refuted by Shri Chandan Agrawal, learned AGA-I from the record and entitle the appellant to be enlarged on bail:

1. The criminal prosecution is a result of personal enmity and

village rivalry between the parties.

2. No allegation of commission of rape by the appellant with the victim was made in the F.I.R. which was lodged by the father of the victim. The testimony of the father of the victim has not satisfactorily accounted for the subsequent improvement in the prosecution case.

3. The implication of the appellant under the stringent provisions of the POCSO Act was made only as an afterthought and at the instigation of inimical parties.

4. There are material contradictions in the age related documents and evidences relating to the victim.

5. Learned trial court erred in law by neglecting consideration of the evidences which reliably established the majority of the victim.

6. There are material contradictions in the testimonies of the prosecution witnesses which discredit the prosecution.

7. Medical evidence produced by the prosecution during the trial does not corroborate commission of forceful assault or rape by the appellant with the victim.

8. Inordinate delay in drawing up the medical report of the victim also impeaches the prosecution case.

9. The applicant does not have any criminal history apart from this case.

10. The appellant has sanguine hope of succeeding in the appeal in view of the errors committed by the learned trial court while appreciating the evidence.

11. Inordinate delay in hearing of the appeal will led to an indefinite detention of the appellant.

12. The appellant is not flight risk. The applicant being law

abiding citizen had always cooperated with the investigation and had joined the trial proceedings. The appellant is not likely to reoffend.

The objection filed by the State does not address the contentions raised by the appellant. The objection is taken in the record.

In the light of the preceding discussion and without making any observations on the merits of the case, the bail application is allowed.

Let the appellant-Ramkishan @ Pappu be released on bail in the aforesaid sessions trial on furnishing a personal bond and two sureties each in the like amount to the satisfaction of the court below.

The realization of the fine shall remain stayed.

**(Divesh Chandra Samant,J.) (Ajay Bhanot,J.)**

**March 30, 2026**  
Ashish Tripathi