



HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL APPEAL No. - 1320 of 1988

Bhukam And Another

.....Appellant(s)

Versus

State of U.P.

.....Respondent(s)

Counsel for Appellant(s) : Manoj Kumar Srivastava, Rakesh Pati
Tiwari, S.N. Singh, Sandeep Kumar
Tripathi
Counsel for Respondent(s) : A.G.A.

Court No. - 84

HON'BLE JAI PRAKASH TIWARI, J.

Order on Appeal

As per office report dated 6.3.2021, in compliance of order dated 12.1.2021, passed by this Court, theailable warrant has been executed against the appellant no.1- Bhukan and he has been confined in District Jail, Rampur.

List on 6.5.2026 for hearing.

Order on Criminal Misc. Second Bail Application No.04 of 2021

Heard learned counsel for the applicant/appellant, learned A.G.A. for the State and perused the record.

The criminal misc. second bail application under Section 389(1) of Cr.P.C., has been preferred with prayer to allow the application and release the applicant no.1 on bail during the pendency of the appeal, in S.T. No. 551 of 1987, (State Versus Bhukham and another), arising out of Case Crime No. 84 of 1985 under Section 376 IPC, Police Station Sirauli, District Bareilly.

Learned counsel for the applicant/appellant submits that this the second bail application of the application no.1 in the aforesaid case and he was released on bail in this case vide order dated 30.5.1988 but due to Covid-19 pandemic, the applicant no.1 was not aware about the dates being fixed

before this Court and also he could not contact the earlier counsel and due to non-availability of the counsel, non-bailable warrant was issued against applicant no.1 vide order dated 12.1.2021 and in compliance of the order dated 12.1.2021 he was sent to jail and as per report of Jail Superintendent, Rampur, he is in custody since 5.2.2021. Since hearing of appeal is also not likely to be completed in near future, therefore, request to release the applicant/appellant on bail during the pendency of appeal.

Per contra, learned AGA has opposed the prayer for bail of the applicant/appellant.

Having considered the rival submissions made by learned counsel for the parties and on perusal of the record, earlier he was on bail but in compliance of order dated 12.1.2021, passed by this Court, the appellant no.1 was taken into custody by the learned C.J.M. concerned. It is evident that the final disposal of the appeal will likely to take time, but without expressing any opinion on the merits, I am of the view that it is a fit case for grant of bail.

The prayer for bail is accordingly **allowed**.

Let the applicant/appellant no.1-**Bhukhan**, be released on bail on his furnishing a personal bond and two sureties in the like amount to the satisfaction of court concerned in S.T. No. 551 of 1987, (State Versus Bhukham and another), arising out of Case Crime No. 84 of 1985 under Section 376 IPC, Police Station Sirauli , District Bareilly.

As soon as personal and surety bonds are furnished, photocopies of the same are directed to be transmitted to this Court forthwith by the court concerned to be kept on the record of this appeal.

A copy of this order be sent to the concerned Jail Authority forthwith for information.

(Jai Prakash Tiwari,J.)

April 7, 2026
KK Patel