



HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL APPEAL No. - 1159 of 1990

Ram Bahadur and others

.....Appellant(s)

Versus

State

.....Respondent(s)

Counsel for Appellant(s) : Brij Raj Verma, Jitendra Pal Singh,
Pradeep Kumar Singh, Rahul Saxena
Counsel for Respondent(s) : Shiv Avtar Sharma

Court No. - 44

HON'BLE J.J. MUNIR, J.

HON'BLE VINAI KUMAR DWIVEDI, J.

This appeal was filed on behalf of five appellants, to wit, Ram Bahadur, Ram Saran, Udai Bhan, Shyam Lal and Hirday Narain. Out of these five, appellant no. 4 Shyam Lal son of Natthoo Lal is dead and a Division Bench of this Court *vide* order dated 24.03.2021 ordered this appeal to abate at his instance. In the order dated 24.03.2021, it is recorded that Mr. Jitendra Pal Singh, Advocate has entered on behalf of appellant nos. 1, 2 and 3. About appellant no. 5, it is said that though he has been duly served, no one has appeared on his behalf. Nevertheless, the case was adjourned and Mr. Jitendra Pal Singh, Advocate was granted time to complete his instructions. The next date when the appeal was listed, was 30.10.2025. The order of that day is an eventless adjournment.

Today, when the appeal is called on, Mr. Brij Raj Verma, Advocate appears on behalf of appellant no. 5 Hirday Narain, whereas Mr. Rahul Kumar Pal, Advocate holding brief of Mr. Rahul Saxena, learned Counsel appears on behalf of appellant nos. 2 and 3, to wit, Ram Saran and Udai Bhan. Today, no one appears on behalf of Ram Bahadur.

Mr. Jitendra Pal Singh, Advocate, who had put in appearance on behalf of appellant nos. 1, 2 and 3 appears to have had his instructions superseded by Mr. Rahul Saxena, whose brief holder appears in Court today. The net effect of these shifting instructions is that this appeal cannot be heard because out of the four surviving appellants, one is unrepresented today. This is apparently a ploy to win perpetual adjournments from the Court as

the appellants are on bail.

In the circumstances, we direct the issue of aailable warrant of arrest against appellant no. 1 Ram Bahadur son of Lala Ram through the learned Chief Judicial Magistrate, Pilibhit requiring Ram Bahadur to surrender before the Chief Judicial Magistrate **on or before 16.01.2026** and furnish a personal bond in the sum of Rs. 20,000/- and two sureties each to the satisfaction of the learned Chief Judicial Magistrate, Pilibhit together with an undertaking that he will appear before this Court on **21.01.2026 at 02:00 p.m.**

The learned Chief Judicial Magistrate, Pilibhit, upon furnishing all the requisite bonds and undertaking, shall release appellant no. 1 Ram Bahadur with a direction him to appear before this Court on the date fixed. The learned Chief Judicial Magistrate shall further send to this Court well before the date fixed a xerox copy of the personal bond and sureties bond, together with the undertaking furnished by appellant no. 1, Ram Bahadur.

This appeal is, accordingly, adjourned to **21.01.2026**.

To be taken up at **02:00 p.m.**

Mr. Abhay Raj Sharma, learned Counsel appearing on behalf of the informant and Mr. Ghan Shyam Kumar, learned AGA-I are present.

Let this order be communicated to the learned Chief Judicial Magistrate, Pilibhit along with the necessary warrant by the Registrar (Compliance) **within 24 hours**.

(Vinai Kumar Dwivedi, J.) (J.J. Munir, J.)

January 7, 2026
Deepak