



HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL APPEAL No. - 1793 of 2025

Brijendra Singh

.....Appellant(s)

Versus

State of U.P.

.....Respondent(s)

Counsel for Appellant(s)	: Anju Yadav, Jaysingh Yadav, Vikas Kumar
Counsel for Respondent(s)	: G.A.

Court No. - 42

HON'BLE SIDDHARTHA VARMA, J.

HON'BLE JAI KRISHNA UPADHYAY, J.

Ref: Criminal Misc. Bail Application (Suspension of Sentence) No. 2 of 2025

1. Personal copy of counter affidavit was shown by learned A.G.A. to the Court. The original copy of counter affidavit which was filed on 15.04.2026 in the registry be traced out and place it on record.
2. Heard learned counsel for the applicant, Sri Raj Kamal Srivastava, learned A.G.A. for the State and perused the record.
3. The instant application has been filed under Section 430 (1) of B.N.S.S., 2023 to suspend the sentence of conviction and to release the applicant on bail in Sessions Trial No. 19 of 2017 (State of U.P. Vs. Kuldeep Singh and Others) arising out of Case Crime No.547 of 2016, under Sections 302/34, 504, 506 of I.P.C., Police Station-Greater Banpur, District Lalitpur.
4. As per prosecution case, nine persons allegedly assaulted the deceased by different weapons. During trial five of the nine persons were exonerated. The applicant-appellant is one of the convicted persons.
5. Learned counsel for the applicant-appellant has submitted that for the prosecution to have had seen all the nine persons and to have recognized them is very difficult. He further submitted that even more difficult was to decipher as to which accused person was carrying fire-arm, *lathi*, axe etc. He further submitted that the applicant-appellant was on bail during trial and he had never misused the liberty of bail. He has also stated that applicant-

appellant has no criminal history. Learned counsel further submitted that co-accused Gajendra Singh has already been granted bail by this Court in Criminal Appeal No.12438 of 2024. Still further learned counsel for the applicant has submitted that there is a very little chance of the appeal being heard and decided expeditiously in the near future and, therefore, the applicant is entitled to be released on bail.

6. In rebuttal, learned A.G.A. has opposed the bail application but could not deny the fact that applicant has no criminal history and he was on bail during trial but has never misused the liberty of bail. He has also admitted that co-accused Gajendra Singh has already been granted bail by this Court.

7. After having perused the judgment of trial Court and after hearing the learned counsel for the applicant as well as learned A.G.A., we find that the applicant has no criminal history to his credit and that he has never misused the liberty of bail during trial. We are of the opinion that the sentence awarded by the trial court be kept in abeyance in respect of the applicant and he be enlarged on bail.

8. Consequently, the prayer for bail is granted. The bail application is allowed.

9. Without expressing any opinion on the merit of the case, let the applicant- **Brijendra Singh** convicted and sentenced in the aforesaid case, be released on bail on his furnishing personal bonds with two sureties each in the like amount to the satisfaction of the court concerned.

10. The realization of half of the fine shall remain stayed till the decision of the appeal.

11. On acceptance of bail bond and personal bond, the trial court shall transmit photostat copies thereof to this Court for being kept on the record.

12. Office to inform the concerned Jail Superintendent through Chief Judicial Magistrate concerned to ensure compliance of the order.

Order on Appeal

13. As per office report, Trial Court Record has been received.

14. Office to prepare paper book. Learned counsel for the parties may obtain their copies of the paper book from the office.

15. List this appeal on 20.11.2026 for final hearing.

April 21, 2026
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(Jai Krishna Upadhyay,J.) (Siddhartha Varma,J.)