

Court No. - 45

Case :- CRIMINAL APPEAL No. - 4764 of 2022

Appellant :- Ram Narayan

Respondent :- State of U.P.

Counsel for Appellant :- Archana Agrawal, Mazhar Shakeel, Rudra Kant Mishra

Counsel for Respondent :- G.A.

Hon'ble Saumitra Dayal Singh, J.

Hon'ble Dr. Gautam Chowdhary, J.

Re: Crl. Misc. Suspension of Sentence Application No. 01 of 2022.

1. Heard Shri Rudra Kant Mishra, learned counsel for the appellant and Shri L.D. Rajbhar, learned A.G.A. for the State.

2. The present bail application has been filed on behalf of the appellant - **Ram Narayan** with a prayer to release him on bail in Sessions Trial No. 134 of 2017 (State Vs. Ram Narayan and another), arising out of Case Crime No. 11 of 2017, under Sections 302/34 and 201 I.P.C., Police Station Hathinala, District Sonebhadra, whereby the learned trial court has convicted and sentenced the appellant under Section 302/34 I.P.C. with rigorous imprisonment for life along with a fine of Rs. 5000/-, in default of payment of fine, six months additional simple imprisonment and under Section 201 I.P.C. with seven years rigorous imprisonment along with a fine of Rs. 3000/-, in default of payment of fine, three months additional simple imprisonment.

3. Submission is, the appellant has been falsely implicated and wrongly convicted on circumstantial evidence and imagined facts. No one saw the occurrence. No evidence was gathered to reach any conclusion that the death was caused by axe allegedly recovered on the pointing out of the appellant. No forensic report was obtained and there is no substantive evidence to implicate the

appellant with the death of the deceased which may have caused by wild animals while the appellant was crossing a forest area. The half-eaten body was discovered by the gram pradhan four days after the occurrence. Thus, weak circumstantial evidence is not corroborated by any substantive evidence cited against the appellant. In such circumstances, in absence of any criminal history, the appellant has remained confined for more than seven years. At present, there is no hope of early hearing of the appeal.

4. On the other hand, learned A.G.A. has opposed the bail application but could not dispute the aforesaid fact.

5. Having heard learned counsel for the parties and having perused the record, without reaching any conclusion as to fact, keeping in mind the entirety of facts and circumstances noted above and current pendency of the appeals, the appellant namely **Ram Narayan** is found entitled to bail.

6. In view of the above, let the appellant - **Ram Narayan** convicted and sentenced in the aforementioned sessions trial be released on bail on his furnishing personal bond in the sum of Rs. 50,000/- (Fifty Thousand) and two sureties each in the like amount to the satisfaction of the court concerned, during the pendency of this appeal.

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

8. Realisation of 50% fine shall remain stayed during the pendency of this criminal appeal.

Order on Appeal.

9. Lower court record has been received.

10. Let paper book be prepared.

11. List for hearing in due course.

Order Date :- 8.1.2025

SA

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