

**Court No. - 45**

**Case :-** CRIMINAL APPEAL No. - 5580 of 2022

**Appellant :-** Arun Kumar Rai

**Respondent :-** State of U.P.

**Counsel for Appellant :-** Chandra Kumar Rai, Mahesh Prasad Yadav

**Counsel for Respondent :-** G.A.

**Hon'ble Saumitra Dayal Singh, J.**

**Hon'ble Dr. Gautam Chowdhary, J.**

**Re: C.M. IInd Time Extension Application No.11 of 2025**

1. Heard Shri Chandra Kumar Rai, learned counsel for the appellant and Shri Rajesh Kumar Madhesia, learned A.G.A. for the State.

2. Earlier, the appellant sought short term bail to avail treatment for heart ailment suffered by him. On such application (C.M. Suspension of Sentence/Ist Bail Application No.1 of 2022) being filed, a coordinate bench passed the below quoted order dated 17.10.2024:

*"Bail application has been filed on behalf of accused appellant Arun Kumar Rai, who has been convicted in Sessions Trial No.1096 of 2021 (State Vs. Arun Kumar Rai), under Section 302 IPC, arising out of Case Crime No.109 of 2021, P.S. Barahalganj, District Gorakhpur and the maximum sentence awarded to him is rigorous life imprisonment.*

*Learned counsel for the appellant submits that the accused appellant is suffering from her heart ailment and has been advised CT-Coronary Angiography. It is also submitted that proper treatment is not available to the accused appellant as he has not been sent to the concerned medical wing of the hospital so far. Submission is that since hearing of the appeal may take sufficiently long, as such he be enlarged on bail.*

*Learned AGA has opposed the prayer made for grant of bail on the ground of criminal history of the accused appellant.*

*Learned counsel for the appellant with reference to assertions made in the supplementary affidavit has attempted to explain the criminal history of the accused appellant, inasmuch as in most of the cases the appellant has been acquitted.*

*Considering the medical condition of the accused appellant as also the fact that he may require proper medical treatment and hearing of the appeal may take sufficiently long, we deem it appropriate to enlarge the accused appellant on short term bail for a period of six weeks, subject to following conditions:*

*(i) That the appellant shall observe peace and tranquility during the period of short term bail and shall not indulge in any unlawful activity.*

(ii) That for the period of short term bail, the appellant shall be accompanied by necessary police guard(s) who shall keep him under 24 hours vigil but the appellant will be free to move about to places that he wants to go.

(iii) That the appellant shall surrender before the C.J.M., Gorakhpur immediately after the period of short term bail comes to an end and shall be sent back to jail.

This order be intimated to the C.J.M., Gorakhpur through the Registrar General, High Court, Allahabad for making proper arrangement.

The concerned authority shall ensure that appropriate security steps are taken so that no uncalled for incident take place.

Let a copy of this order be supplied to the learned counsel for the appellant today itself on payment of usual charges.

The C.J.M., Gorakhpur shall submit his report/certificate regarding compliance of the order of this Court by the date next fixed.

Office is directed to prepare paper book and list this appeal for hearing on its due turn."

3. Then, the instant application was filed seeking extension of short term bail granted. On such application being filed, the coordinate bench passed the below quoted order dated 23.1.2025:

"1. Heard learned counsel for the appellant and Shri Rajesh Kumar Madheshia, learned A.G.A. for the State.

2. This is the time extension application moved on behalf of appellant-Arun Kumar Rai with a prayer to grant six months further time to him to surrender before the court concerned in pursuance to the order dated 17.10.2024 passed by this Court.

3. Learned counsel for the appellant submits that after releasing on short term bail the appellant was treated at Ram Dhani Memorial Hospital Barhalganj, Gorakhpur. On 23.11.2024 the appellant was medically examined at K.G.M.U., and after certain tests the next date has been fixed by K.G.M.U. on 29.05.2025 for C.T. Coronary Angioplasty. Thus, it is prayed that the appellant's short term bail be extended for further six months.

4. On perusal of records, we find that on 17.10.2024 the appellant was granted short term bail on the ground of his medical condition for a period of six weeks with certain conditions. Thereafter, on 23.11.2024 in view of statement made in Time Extension Application No. 10 of 2024 this Court extended the short term bail to the appellant till 27.01.2025, but till date his ailments could not be cured.

5. Before considering the aforesaid prayer made on behalf of appellant, we deem it appropriate to direct the appellant to appear before the officials of K.G.M.U., Lucknow for his medical examination on 28.01.2025. The officials of K.G.M.U., Lucknow, after constituting a board comprising of expert doctors to assess the ailments shall submit its report by 31.01.2025.

6. The report of the medical board, thus, constituted, shall duly specify the ailments suffered by the appellant, his general condition and the also explain the delay in providing treatment to the appellant.

7. Learned A.G.A. shall produce the report submitted by the medical board on 04.02.2025.

8. Let a copy of this order be provided to the learned A.G.A. so as to communicate the same

to officials of K.G.M.U., Lucknow by 24.01.2025 so as to ensure that no delay would be caused.

9. List on 04.02.2025.

10. Till the next date fixed, i.e., 04.02.2025, the short term bail previously granted to the appellant is extended."

4. Thereafter, for reason of report not submitted by learned A.G.A., proceeding was adjourned for today vide order dated 4.2.2025.

5. Today, learned A.G.A. has placed on record the documents containing the report of the Medical Board constituted by the Chief Medical Superintendent, President, Medical Board, Gandhi Smarak & Sambadh Chikitsalaya, Lucknow. Material part the report of the Three Member Expert Board constituted by the C.M.S. reads as below:

*"He is diagnosed case of stable angina, and he is on the treatment for the same. It's a life long disease, for further evaluation he was advised earlier CT Coronary Angiography, which was scheduled on 29.05.2025. We advise him to continue the treatment till report of CT Coronary Angiography was awaited but patient did not report for CT Coronary Angiography (New appointment date was scheduled on dated 30.01.2025).*

*Advice - Light work*

- Continue treatment as advised.*
- CT Coronary Angiography*
- Review with report for further evaluation.*
- Add Flavedon MR (35) 1 BD*  
*Ranolazine (500) 1 BD"*

*(emphasis supplied)*

6. Clearly, the appellant appears to be abusing the indulgence offered to him on humanitarian ground. While the humanitarian ground may continue to exist and be addressed by the Court, at the same time, we cannot close our eyes to the conduct of the appellant who does not appear to be availing medical treatment regularly but he is further interested in seeking extension of short term bail granted to him.

7. Accordingly, extension of time prayed is declined. The appellant shall surrender tomorrow i.e. 19.2.2025 by 12.00 noon. At the same time, for reason of medical help required, we further provide that the appellant's treatment may be continued under supervision by the jail authorities such that necessary medical treatment may be available to him at appropriate medical facility, preferably at a government medical facility, at Gorakhpur on such dates and in such manner as may be certified by appropriate Medical Board to be now constituted by Chief Medical Superintendent, Gorakhpur, to whom the appellant is referred.

8. In view of the above, time extension application stands **disposed of.**

**Order Date :-** 18.2.2025  
Prakhar

**(Dr. Gautam Chowdhary,J.)**

**(S.D. Singh,J.)**