



HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL APPEAL No. - 9312 of 2023

Ramgyan Singh

.....Appellant(s)

Versus

State of U.P.

.....Respondent(s)

Counsel for Appellant(s)	:	Lalji Yadav, Mohd Akhtar, Sufiya Bano, Yashpal Yadav
Counsel for Respondent(s)	:	G.A.

Court No. - 42

**HON'BLE SIDDHARTHA VARMA, J.
HON'BLE JAI KRISHNA UPADHYAY, J.**

Criminal Misc. Second Bail Application No. 5 of 2025

1. Heard learned counsel for the applicant and learned A.G.A. appearing for the State.
2. This is a second bail application. The first bail application was rejected by a coordinate Bench of this Court vide order dated 30.7.2024.
3. The instant application has been filed under Section 389 Cr.P.C. to suspend the sentence of conviction and to release the applicant on bail in Sessions Trial No. 322 of 2015 arising out of Case Crime No. 8 of 2012, under Sections 307, 302 of Indian Penal Code, Police Station -Kaptanganj, District - Kushinagar.
4. The sole ground of the learned counsel for the appellant Sri Yashpal Yadav is that the appellant has as of today remained in jail for more than 13 years. It is also submitted that the appellant has no criminal history and that the conduct and behaviour of the appellant in jail was good and to the satisfaction of the jail authorities. Still further, learned counsel for the appellant submits that since the appeal is not likely to be heard and decided expeditiously in the near future, the applicant is, therefore, entitled to be released on bail.
5. Learned counsel for the appellant has placed reliance on the decision of Supreme Court rendered in **Saudan Singh vs. State of U.P.** decided on

25.2.2022 in **Criminal Appeal No. 308 of 2022 [@SLP (Crl.) No. 4633 of 2022]; Suleman vs. State of U.P. : Criminal Appeal No.491 of 2022 decided on 9.5.2022 and Sonadhar vs. State of Chhatisgarh decided on 15.9.2022 in SLP (Crl.) No.529 of 2021 reported in 2022 Livelaw (SC) 788).**

6. In rebuttal, learned AGA has opposed the bail application but he could not deny the facts that the applicant has remained in jail for a fairly long period and that he has no criminal history.

7. We have perused the judgement of the lower court with the assistance of the learned counsel for the parties. We are of the opinion that the sentence awarded by the trial court be kept in abeyance in respect of applicant and the applicant be enlarged on bail.

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

9. Without expressing any opinion on the merit of the case, let the applicant- Ramgyan 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 fine shall remain stayed till the decision of the appeal.

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

Order on Appeal :

12. List this appeal on 19.11.2026 for final hearing.

13. Paper book be prepared.

(Jai Krishna Upadhyay,J.) (Siddhartha Varma,J.)

April 16, 2026
PK