



HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL APPEAL No. - 4259 of 2025

Vijay Singh

.....Appellant(s)

Versus

State of U.P.

.....Respondent(s)

Counsel for Appellant(s)	: Ashish Kumar Singh, Raghuvansh Misra, Sandeep Mishra, Vijay Bahadur Shivhare
Counsel for Respondent(s)	: G.A., Kamta Prasad, Neeja Srivastava

Court No. - 90

HON'BLE RAJ BEER SINGH, J.

Order on Criminal Misc. Application under Section 430(1) BNSS:-

1. Supplementary affidavit filed by learned counsel for the appellant and counter affidavit filed by learned A.G.A. are taken on record.
2. Heard learned counsel for the appellant, learned counsel for the informant and learned A.G.A. for the State.
3. This application has been filed on behalf of the appellant for suspension of sentence and grant of bail during pendency of this appeal.
4. The appellant has been convicted by the trial court under Sections 147, 304(Part-I)/ 149, 323/ 149, 325/ 149, 504, 506 I.P.C. and maximum sentence awarded to the appellant is ten years rigorous imprisonment.
5. Learned counsel for the appellant submitted that the trial court has misread the evidence and there is no credible evidence against appellant. In the alleged incident both the parties have sustained injuries and a cross-case was also lodged from the side of appellants. In this case two persons have sustained injuries and one of them has died, whereas from the side of appellants three persons have sustained injuries. Conviction has also been recorded in the cross-case lodged from the side of appellants.
6. It is further submitted that appellant is seriously ill as he is suffering from verrucous carcinoma (mouth cancer) and thus for his proper treatment also the sentence is required to be suspended. The appellant has already undergone custody of about two years. Lastly, it was submitted that due to huge pendency of cases there is no possibility of early hearing in appeal and

thus in view of aforesaid facts the appellant may be granted bail during pendency of appeal.

7. Learned A.G.A. and learned counsel for the informant have opposed the application and submitted that the appellant is the main accused as *farsa* was assigned to him but the aforesaid medical condition of appellant could not be disputed.

8. Considering the submissions of learned counsel for the parties and all attending facts, particularly the medical condition of the appellant, without expressing any opinion on the merits, a case for suspension of sentence / grant of bail is made out. Hence, the application for suspension of sentence / bail is hereby **allowed**.

9. Let the appellant **Vijay Singh** convicted and sentenced in S.T. No. 153 of 2014 (State Vs. Sant Singh and others), arising out of Case Crime No.413 of 2014, under Sections 147, 304(Part-I)/ 149, 323/ 149, 325/ 149, 504, 506 I.P.C., Police Station - Kurara, District Hamirpur, be released on bail on his furnishing a personal bond with two sureties (one should be of his family member) in the like amount to the satisfaction of the court concerned.

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

Order on memo of appeal:-

List in due course before appropriate Bench.

April 6, 2026
'SP'/-

(Raj Beer Singh,J.)