



**HIGH COURT OF JUDICATURE AT ALLAHABAD**

**CRIMINAL APPEAL No. - 10073 of 2022**

Gokul

.....Appellant(s)

Versus

State of U.P.

.....Respondent(s)

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Counsel for Appellant(s) : Dinesh Singh, R.C. Maurya, Rajeev Ratan Shukla, Rakesh Kumar  
Counsel for Respondent(s) : G.A., Lovekush Kumar Mishra, Prabhakar Tripathi

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**Court No. - 44**

**HON'BLE J.J. MUNIR, J.  
HON'BLE VINAI KUMAR DWIVEDI, J.**

**Order on Criminal Misc. Bail Application No. 1 of 2022**

This is a first bail application on behalf of the applicant, Gokul, who has been convicted in Sessions Trial No. 172 of 2013 (arising out of Case Crime No. 344 of 2012) under Sections 147, 148, 302/149, 307/149, 323/149, 325/149, 504, 506 IPC, Police Station Shamshabad, District Agra and Sessions Trial No. 173 of 2013 (arising out of Case Crime No. 349 of 2012) under Section 25 Arms Act, Police Station Shamshabad, District Agra and sentenced to imprisonment for life besides term sentences on lesser counts.

The submission of learned Counsel for the applicant is that so far as the deceased, Jagdish, is concerned, he has sustained injuries caused by sticks (*lathi - danda*) and iron rod (*saria*), which was wielded by the other convicts, who have been admitted to bail by an order of the Division Bench dated 11.08.2023 on ground that it was a case where there were general allegations of assault and, therefore, the fact was not clear as to who was the author of the fatal injuries. So far as the applicant is concerned, he is credited with wielding a country-made pistol and the deceased did not sustain any gunshot injury. It is pointed out, however, that the applicant's bail plea was deferred because one of the injured Ram Prakash has sustained a gunshot wound attributed to the applicant, Gokul. Learned Counsel for the applicant has denied the causation of the gunshot

wound by the applicant and pointed out that he has been awarded a term sentence of ten years for the offence punishable under Section 307 IPC, of which he has already done three and a half years. It is asserted that the applicant has no criminal history.

Learned A.G.A. has opposed the bail plea but does not dispute the fact that the applicant has no criminal history.

Upon hearing the learned Counsel for the parties, we are of opinion that the applicant has not assaulted the deceased considering the weapon assigned to him and the fact if indeed he was the one, who shot the injured, Ram Prakash, is a matter, which requires our scrutiny considering the plea raised. The appellant has been awarded ten years' sentence for the offence punishable under Section 307 IPC and has done three and a half years in jail. So far as the life sentence is concerned, he has been convicted with the aid of Section 149 IPC, where he has no overt role of assault.

Considering the entirety of circumstances and the fact that there is no likelihood of the appeal being heard in near future, we are of the opinion that the applicant, Gokul, is entitled to bail.

The bail application is **allowed**.

Let the appellant-applicant, Gokul, convicted in Sessions Trial No. 172 of 2013 (arising out of Case Crime No. 344 of 2012) under Sections 147, 148, 302/149, 307/149, 323/149, 325/149, 504, 506 IPC, Police Station Shamshabad, District Agra and Sessions Trial No. 173 of 2013 (arising out of Case Crime No. 349 of 2012) under Section 25 Arms Act, Police Station Shamshabad, District Agra be **released on bail** pending appeal, upon his furnishing a personal bond and two sureties each in the like amount to the satisfaction of the Chief Judicial Magistrate, Agra, subject to the following conditions :

1. The appellant-applicant will appear before the Court of the learned Chief Judicial Magistrate, Agra once every month, which shall be the third Saturday. If the third Saturday happens to fall on a public holiday and the Court is not functioning, he will attend the learned Chief Judicial

Magistrate's Court on the next working day. The Chief Judicial Magistrate shall record his presence and maintain a record of his attendance.

2. The appellant-applicant shall ensure that learned Counsel appearing for him appears at the hearing of this appeal or to whichever date it is adjourned, without fail.

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

Until further orders of this Court, subject to the appellant-applicant depositing 50% of the fine within a month of his release from prison, realization of the balance shall remain **stayed**. In the event of default, the entire fine shall be recovered in the manner prescribed by law.

**Order on Memo of Appeal**

List this appeal in due course.

**(Vinai Kumar Dwivedi,J.) (J.J. Munir,J.)**

**March 16, 2026**  
Shubham