



HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL APPEAL No. - 12523 of 2023

Bechu Yadav

.....Appellant(s)

Versus

State of U.P.

.....Respondent(s)

Counsel for Appellant(s)	: Girja Shanker Mishra, Pratiksha Rai, Ramakant Singh, Saurabh Shahi
Counsel for Respondent(s)	: G.A.

Court No. - 93

HON'BLE MRS. VANI RANJAN AGRAWAL, J.

Order on Bail/Suspension of Sentence Application u/s 389(1) Cr.P.C

1. Heard learned counsel for appellant/applicant and learned AGA for State.
2. This Criminal appeal under Section 374 (2) of the Criminal Procedure Code has been preferred against the judgement and order dated 3.11.2023 passed by learned Additional Sessions Judge, Court No.1, Mau, District-Mau in Sessions Trial No.201 of 2016 (State vs. Bechu Yadav and others), arising out of Case Crime No.777 of 2016, under Sections 304 (II) read with Sections 147, 148, 149, 323, 336, 304, 504, 506 I.P.C., Police Station-Sarailakhansi, District Mau.
3. By means of this application, the appellant-applicant seeks suspension of sentence and grant of bail.
4. It has been submitted by learned counsel for the appellant-applicant that the appellant is innocent and has been falsely implicated. It has been further submitted that the conviction and sentence imposed by the learned trial court is against the weight of evidence on record. The trial court has misread the evidence on record and convicted the appellant. The prosecution has not been able to prove its case beyond reasonable doubt. It has further been submitted that the applicant is languishing in jail since 01.11.2023. The applicant has no criminal history to his credit. It has further been submitted that the appellant has served out more than two years in jail out of the maximum sentences imposed upon him by the trial court. It has been further submitted that the appellant was on bail during trial and has not misused the liberty of bail. Since there is no likelihood of early hearing of the appeal in near future, the appellant may be released on bail during the pendency of this appeal. Besides the above submissions, learned counsel for the appellant has also tried to touch upon at length the circumstances which led to the false implication of accused - appellant.
5. On the other hand, learned AGA vehemently opposed the bail application.

6. I have considered the rival submissions made by learned counsel for the parties and have gone through the entire record including the impugned judgment.

7. Having regard to the facts and circumstances of the case, sentence awarded to the appellant, the evidence available on record and the findings recorded by the trial court thereon, and the fact that the appeal may take some time for its final disposal, without further commenting on the merits of the case, I am inclined to release the appellant on bail.

8. Let the above named accused-appellant- **Bechu Yadav** be released on bail on furnishing a personal bond and two sureties each in the like amount to the satisfaction of Court concerned with subject to the condition below:-

(i) The appellant/applicant shall cooperate in the early disposal of appeal without seeking any adjournment.

(ii) The appellant/applicant shall not indulge in any criminal activity or commission of any crime after being released on bail.

(iii) The appellant/applicant shall deposit the entire amount of fine imposed against him by the learned trial court, if not deposited, within a period of four weeks from the date he/she is released on bail under this order.

9. The sentence awarded to applicant-appellant shall also remain suspended during the pendency of this appeal.

10. In case of breach of any of the above conditions, it shall be a ground for cancellation of bail.

11. It is made clear that this Court has, however, not made any observation on the merits of the appeal.

12. A copy of the personal bond and surety bonds shall be transmitted to this Court by the court below for being kept on record of this appeal.

13. Office is directed to send a copy of this order to the Court concerned through email/fax immediately for necessary compliance.

Order on Appeal

14. Admit.

15. Office report shows that the trial Court record has been received.

February 18, 2026
Pravesh Mishra

(Mrs. Vani Ranjan Agrawal,J.)