



**HIGH COURT OF JUDICATURE AT ALLAHABAD**

**CRIMINAL APPEAL No. - 6179 of 2025**

Sripal

.....Appellant(s)

Versus

State of U.P.

.....Respondent(s)

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|---------------------------|--------------------------------------------|
| Counsel for Appellant(s)  | : Ardhendu Shekhar Sharma, Ram Babu Sharma |
| Counsel for Respondent(s) | : G.A., Sarve Nazir, Zafar Abbas           |

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**Court No. - 51**

**HON'BLE RAJ BEER SINGH, J.**

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

1. Counter affidavit filed by learned counsel for the informant and counter affidavit filed learned A.G.A. in Court today, are taken on record.
2. Heard learned counsel for the appellant, learned counsel for the informant, learned A.G.A. for the State and perused the record..
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 - 307/34 I.P.C. and sentenced to ten years rigorous imprisonment along with fine.
5. Learned counsel for the appellant submitted that the trial court has not appreciated evidence in correct perspective and there is no credible evidence against appellant. The injury report of injured persons has not been proved and the doctor, who has examined the injured persons, has not been examined. The injured persons have not explained as to where their x-ray were conducted. The alleged x-ray reports are wholly doubtful. It was further pointed out that during trial P.W.-3 Veerwati and injured P.W.-4 Rajveer have not supported the prosecution version and

thus, the involvement of appellant is doubtful. There is no credible evidence that the alleged injuries sustained by injured persons are caused by firearm. It was further submitted that the injured persons have not explained as to which of the accused has caused firearm injury to them. During trial appellant was on bail and now he is in jail since 04.06.2025. 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.

6. Learned A.G.A. and learned counsel for the informant have opposed the application and submitted that in the alleged incident seven persons have sustained firearm injuries. Most of the injured persons have clearly stated that fires were shot by appellant and co-accused. That prosecution version is further supported by x-ray report of the injured persons. In this connection, statement of P.W.-11 Dr. G.K. Jain was referred. The period of detention of appellant is only of a few months. Referring to facts of the matter, it was submitted that no case for suspension of sentence is made out.

7. Considering submissions of learned counsel for the parties, the number of injured persons, nature of injuries, period of detention and all attending facts and circumstances of the case, no case for suspension of sentence / grant of bail is made out, at this stage. Hence, the application is hereby **rejected.**

**Order on Memo of appeal:-**

1. List after two months before the appropriate Bench.

**(Raj Beer Singh,J.)**

**December 3, 2025**

S Rawat