



HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL APPEAL No. - 8198 of 2024

Bhagat Singh

.....Appellant(s)

Versus

State of U.P.

.....Respondent(s)

Counsel for Appellant(s) : Kartikeya Saran, Shagun K. Saran,
Vinayak Ranjan
Counsel for Respondent(s) : Amit Daga, G.A., Harish Kumar, Umesh
Chandra Shukla

Court No. - 42

HON'BLE SIDDHARTHA VARMA, J.

HON'BLE JAI KRISHNA UPADHYAY, J.

Criminal Misc. Bail Application (Suspension of Sentence)

1. Heard learned counsel for the applicant, learned A.G.A. for the State and perused the record.
2. The instant application has been filed under Section 389 of Cr.P.C. to suspend the sentence of conviction and to release the applicant on bail in Session Trial No. 35 of 2019 (State of U.P. versus Kaptan Singh and others) arising out of Case Crime No. 203 of 2018, under Sections 147, 148, 149, 302/34, 307/34, 504, 506 of I.P.C., Police Station - Badagaon, District - Jhansi.
3. As per the prosecution case, while the informant and his brother were lighting a lamp outside the house, Kaptan Singh, Bhagat Singh, Har Prasad, Chandra Prakash and Dinesh came towards his house and because they were inimical to the first informant and his brother, Kaptan Singh fired upon the deceased. Further case of the prosecution was that Har Prasad, Bhagat, Chandra Prakash and Dinesh exhorted Kaptan Singh to kill the deceased.
4. Contention of the learned counsel for the applicant is that the applicant is innocent and has been falsely implicated. Learned counsel for the appellant further submits that Har Prasad was never chargesheeted and Chandra Prakash was acquitted during trial. He further submits that Kaptan Singh, the main accused, has been granted bail by this Court on 17.12.2025. It has further been submitted that the appellant had been assigned role only that of exhortation and his role also becomes doubtful in view of the fact that the prosecution story itself was not fully believed by the trial court inasmuch as

Chandra Prakash was acquitted. He further submits that there was no criminal history of the appellant prior to the commission of the crime, as the case under the Gangsters Act was imposed by the State after there was conviction in the instant case. He was on bail during trial and had never misused the liberty of bail. Still further learned counsel for the applicant has submitted that there is very little chance of the appeal being heard and decided expeditiously in the near future and, therefore, the applicant is entitled to be released on bail.

5. In rebuttal, learned A.G.A. has opposed the bail application but could not deny the fact that appellant has hardly any criminal history, he was on bail during trial and had never misused the liberty of bail. He could also not deny the fact that accused Har Prasad was not chargesheeted and accused Chandra Prakash had been acquitted by the trial court.

6. We have perused the judgment of the court below with the assistance of the learned counsel for the parties. Considering that there was no criminal history of the appellant prior to the commission of the crime, as the case under the Gangsters Act was imposed by the State after there was conviction in the instant case, appellant was on bail during trial and had never misused the said liberty and accused Har Prasad was not chargesheeted and accused Chandra Prakash had been acquitted by the trial court, we are of the opinion that the sentence awarded by the trial court be kept in abeyance in respect of the applicant and he be enlarged on bail.

7. Consequently, the prayer for bail is granted. The bail application is **allowed**.

8. Without expressing any opinion on the merit of the case, let the applicant - **Bhagat 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.

9. The realization of fine shall remain stayed till the decision of the appeal.

10. 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.

11. Office to inform the concerned Jail Superintendent through Chief Judicial Magistrate concerned to ensure compliance of the order.

Order on Appeal

12. Office to prepare the paper book.

13. List this appeal on 4.12.2026 for final hearing.

April 27, 2026

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