



HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL APPEAL No. - 11087 of 2024

Dulare Yadav

.....Appellant(s)

Versus

State of U.P.

.....Respondent(s)

Counsel for Appellant(s)	:	Rasmi Khilwani
Counsel for Respondent(s)	:	G.A.

Along with :

- Criminal Appeal No. 11135 of 2024:**
1. Aniruddha Yadav
Versus
State of U.P.
-

Court No. - 42

HON'BLE SIDDHARTHA VARMA, J.
HON'BLE PRASHANT MISHRA-I, J.

Criminal Misc. Suspension of Sentence Application Nos. 01 of 2024

1. Heard learned counsel for the applicants and learned A.G.A. appearing for the State.
2. The instant application has been filed to suspend the sentence of conviction and to release the applicant on bail in Sessions Trial No. 137 of 2014 (State of U.P. Vs. Dulare Yadav and another) arising out of Case Crime No. 1174 of 2011, under Sections 147, 302/149, 336/149 of Indian Penal Code, Police Station - Shyamdeurwa, District - Maharajganj.
3. It is the contention of learned counsel for the appellants that the appellants-applicants are innocent and have been falsely implicated in the case. The case is based on eye-witness account of P.W. 1 and P.W. 1 herself has stated that appellants, Dulare Yadav and Aniruddha Yadav were holding the legs of the deceased. Learned counsel for the appellants further states that there are various contradictions in the case and also P.W. 7 has turned hostile. He further submits that appellants were on bail during trial and never misused the liberty of bail so granted. Appellants have hardly any noticeable

criminal history. By rejoinder-affidavit, it has been informed that in one criminal case which was under Sections 323, 325 and 452 I.P.C., trial was going on and they were on bail. Still further, learned counsel for the appellants submits that since the appeal is not likely to be heard and decided expeditiously in the near future, the applicants are, therefore, entitled to be released on bail.

4. In rebuttal, learned AGA has opposed the bail application but he could not deny the facts that the applicants were on bail during trial and never misused the liberty of bail so granted and they have hardly any noticeable criminal history.

5. Having gone through the judgement of the lower court with the assistance of the learned counsel for the parties, we are of the opinion that if the statement of P.W. 1 itself is seen then it comes out that the main role has been assigned to Sunil and Kalyan and that there were various contradictions in the statements of prosecution witnesses also; the appellants were on bail during trial and they never misused the liberty of bail; they have hardly any noticeable criminal history. Hence, the sentence awarded by the trial court be kept in abeyance in respect of applicants and the applicants be enlarged on bail.

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

7. Without expressing any opinion on the merit of the case, let the applicants- Dulare Yadav and Aniruddha Yadav convicted and sentenced in the aforesaid case, be released on bail on their furnishing personal bonds with two sureties each in the like amount to the satisfaction of the court concerned.

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

9. 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.

Order on Appeal :

10. Order sheet indicates that Lower Court Record has been received. Office to prepare paper book.

11. List this appeal on 21.08.2026 for final hearing.

March 17, 2026
A. Mandhani

(Prashant Mishra-I,J.) (Siddhartha Varma,J.)