



HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL APPEAL No. - 11877 of 2025

Brajesh Saxena @ Brij Bihari

.....Appellant(s)

Versus

State of U.P.

.....Respondent(s)

Counsel for Appellant(s)	:	Alok Sharma
Counsel for Respondent(s)	:	G.A.

Court No. - 42

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

Order in Criminal Misc. Bail Application No. 01 of 2025

1. Supplementary-affidavit filed today, is taken on record.
2. Heard Sri Ritesh Singh, learned counsel for the applicant, learned A.G.A. appearing for the State and Sri Raza Ullah Khan, learned counsel for the first informant.
3. The instant application has been filed to suspend the sentence of conviction and to release the applicant on bail in Sessions Trial No. 69 of 2013 (State Vs. Brijesh and others) arising out of Case Crime No. 133 of 2012, under Sections 302/34, 120-B, 504, 506 of Indian Penal Code, Police Station - Banda, District - Shahjahanpur.
4. It is the contention of learned counsel for the appellant that the appellant-applicant is innocent and has been falsely implicated in the case. Main role has been assigned to accused, Shyama Singh. Learned counsel for the appellant relied upon the judgement of ***Anil Ari Vs. State of West Bengal, 2009 LawSuit(SC) 159*** and stated that applicant is more than 70 years of age. Appellant was on bail during trial and never misused the liberty of bail. Criminal history has also been explained in paragraph 2 of supplementary-affidavit which has been filed today. Still further, learned counsel for the appellant submits that since the appeal is not likely to be heard and decided expeditiously in the near future, the applicant is, therefore, entitled to be released on bail.

5. In rebuttal, learned AGA has opposed the bail application but he could not deny the facts that the applicant is above 70 years and that he never misused the liberty of bail and that criminal history has substantially been explained.

6. We have perused the judgement of the lower court with the assistance of the learned counsel for the parties and having found that appellant is above 70 years of age and he had never misused liberty of bail, we are of the opinion that the sentence awarded by the trial court be kept in abeyance in respect of applicant and the applicant be enlarged on bail. We are also of the view that the other submissions made by the learned counsel had substance.

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- **Brajesh Saxena @ Brij Bihari**, 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.

Order on Appeal :

11. Order sheet indicates that Trial Court Record has been received.

12. Office to prepare paper book.

13. List this appeal on 18.03.2026 for final hearing.

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

February 17, 2026
A. Mandhani