



2025:AHC:175526

HIGH COURT OF JUDICATURE AT ALLAHABAD

APPLICATION U/S 528 BNSS No. - 34929 of 2025

Dayaram

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Vinay Kumar Singh
Counsel for Opposite Party(s)	:	G.A.

Court No. - 92

HON'BLE RAM MANOHAR NARAYAN MISHRA, J.

1. Heard learned counsel for the applicant and learned A.G.A. for the State-respondents and perused the material available on record.
2. Instant petition under Section 528 BNSS has been filed with a prayer to quash the impugned Non Bailable Warrant order dated 28.04.2025 in SC No.21/2024, arising out of Case Crime No.75 of 2024, under Section 304 IPC, P.S. Garautha, District Jhansi, pending in the court of Additional District Judge, Gauratha, Jhansi.
3. The prayer made in the present application is regarding quashing of NBW issued against the applicant in said criminal case, the present application may be finally disposed without issuing notice to opposite party.
4. Leaned counsel for the applicant submits that applicant was enlarged on bail in respect of present matter by order of this Court dated 06.09.2024 passed in Criminal Misc. Bail Application No.29768 of 2024. According to prosecution version, on 16.04.2024 at around 13:30 hours, the applicant approached the deceased, who was his grand mother, aged about 90 years, and demanded money out of her old age pension, due to which some verbal altercation took place between them. The applicant pushed the old lady, she fell down on platform of the temple and received injuries on her head, due to which, she died on the way to hospital.
5. Learned counsel for the applicant further submitted that the trial has

proceeded at the stage of prosecution evidence. The applicant failed to appear on 28.04.2025 as a result, NBW followed and subsequently, the court issued process under Section 82 Cr.P.C. on 28.05.2025 without making any further observation. The applicant is labour by profession and had gone to Delhi to earn his livelihood. His counsel before the court below assured him that he will look after the case in his absence, in the meanwhile, he got fracture in his left leg on 10.04.2025 and he received treatment in a private hospital in Sarai District Jhansi. The photograph and medical paper has been filed as annexure No.5 to this affidavit. He lastly submitted that this Court may direct for cancellation of NBW issued against the applicant, so that he may appear before the court below and file appropriate application in this regard.

6. Per contra, learned A.G.A. submitted that there is no illegality in the impugned order.

7. Considering the rival submissions of the parties and facts and circumstances of the case, it is directed that the applicant shall appear before the court below within a month from today and file an application for fresh bail, and which shall be allowed by the court below on such terms as the court thinks fit subject to condition that he will appear on dates fixed, as per directions of that Court.

8. The NBW issued against the applicant shall remain in abeyance for a period of one month or till filing of application for fresh bail whichever is earlier.

9. The petition under Section 528 stands **disposed of**.

(Ram Manohar Narayan Mishra,J.)

September 26, 2025

Ashish/-