HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW

CRIMINAL APPEAL No. - 3427 of 2025

Bhullare @ Amarjeet And 2 Others

.....Appellant(s)

Versus

State Of U.P. Thru. Prin. Secy. Home Lko.

.....Respondent(s)

Counsel for Appellant(s)	:	Ved Prakash Mishra, Brajesh Kumar Mishra, Manish Vaish, Suresh Kumar Singh
Counsel for Respondent(s)	:	G.A.

Court No. - 11

HON'BLE PRAVEEN KUMAR GIRI, J.

Supplementary affidavit filed today is taken on record.

Order on Criminal Misc. Bail Application

1. Heard learned counsel for the appellants, Sri Brajesh Kumar Mishra along with Sri Ved Prakash Mishra as well as learned A.G.A. Sri S.P. Tiwari for the State.

2. Learned counsel for the appellant submits that the instant bail application has been preferred on behalf of the appellants namely, Bhullare @ Amarjeet, Makaloo @ Vinod, Bhanu @ Ranjeet, along with the pending appeal seeking release of the appellants on bail during pendency of the appeal. The prayer clause of the bail application is delineated below :-

> *"For the facts, reasons and circumstances disclosed in the accompanying affidavit, it is most respectfully prayed that this Hon'ble Court may kindly be pleased to enlarge the appellants/applicants on bail during pendency of the appeal."*

3. Learned counsel for the appellants submits that the F.I.R. was lodged against four persons with the allegation that all of them caused injuries by hard and blunt object and two persons sustained injuries. One of the injured received injury on his head and due to the said injury he

succumbed to death. He further submits that under Sections 304/34 I.P.C., the appellants have been convicted for ten years. He further submits that as per the injury report there are only two injuries on the head of the deceased whereas four persons were assigned the role of causing injuries without any specific allegation against any particular accused. He further submits that there are several contradictions as well as developments in the deposition from the version of the first information report as well as the statements recorded under Section 161 Cr.P.C., therefore, at this stage, the appellants may be released on bail and the appeal may be heard finally on merit.

4. Per contra, learned A.G.A. opposes the bail and submits that there is also one surviving injured witness, who has supported the prosecution version as disclosed in the F.I.R. He further submits that it is settled proposition of law that FIR is not an encyclopaedia of the event and it is not expected to contain a complete, chronological account of every aspect of the incident, rather the main purpose of an FIR is to inform the police about the commission of a *cognizable offence* (a serious crime where police can arrest without a warrant). However, he could not dispute the fact that appellants have no criminal antecedents.

5. Considering the arguments of the learned counsel for the parties discussed herein above, the facts and circumstances of the case, period of sentence already undergone by the accused-appellants and the fact that the appeal is not likely to be listed for final disposal in near future, let the appellants, namely, Bhullare @ Amarjeet, who is languishing in jail since 23.09.2025, Makaloo @ Vinod, who is languishing in jail since 29.09.2025 as well as Bhanu @ Ranjeet, who is languishing in jail since 29.09.2025, convicted and sentenced under Sections 323/34, 308/34, 504, 304/34 in Sessions Trial No. 318/2016, Case Crime No. 233/2015, Police Station Aaspur Devsara, District Prataphgarh, be released on bail during pendency of the appeal on furnishing a personal bond along with one surety to the satisfaction of the Chief Judicial Magistrate, Prataphgarh as per the judgment of this Court passed in **Smt. Bacchi Devi vs. State of U.P. and Another, 2025 SCC OnLine All 5286.**

6. In view of the above, this bail application is **allowed**.

7. Realisation of fine shall remain stayed till the final adjudication of the pending appeal.

Order on Appeal

Office is directed to prepare the paper-book so that the appeal may be listed on its turn.

(Praveen Kumar Giri,J.)

June 1, 2026
K.Tiwari

Digitally signed by :-
KRISHNA KANT TIWARI
High Court of Judicature at Allahabad,
Lucknow Bench