



2026:AHC:124629

**HIGH COURT OF JUDICATURE AT ALLAHABAD**

**CRIMINAL APPEAL No. - 8386 of 2025**

Sachin

.....Appellant(s)

Versus

State of U.P. and Another

.....Respondent(s)

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|---------------------------|---|--------------------------------------------------------|
| Counsel for Appellant(s)  | : | Jayant Dwivedi, Jitendra Prasad Mishra                 |
| Counsel for Respondent(s) | : | Akshay Mishra, G.A., Rafeek Ahmad Khan, Zeeshan Mazhar |

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**Court No. - 1**

**HON'BLE MADAN PAL SINGH, J.**

1. Heard Mr. N.I. Jafari, learned Senior Advocate assisted by Mr. Jayant Dwivedi and Jitendra Prasad Mishra, learned counsel for the appellant and learned A.G.A. for the State as well as perused the record. Despite the fact that the case has been called out the revised list, nobody is present on behalf of the opposite party no.2.

2. This criminal appeal under Section 14A(2) of SC/ST (Prevention of Atrocities) Act, 1989 has been filed by the appellant-Sachin with the prayer to set-aside the impugned bail rejection order dated 14th July, 2025 passed by the Special Judge (S.C./S.T.) Act, Aligarh in Bail Application No. 2717 of 2025 (Sachin Vs. State of U.P.) arising out of Case Crime No. 312 of 2025 under Section 109 (1) B.N.S., Section 9/25/27 Arms Act, and Section 3 (2) (v) of S.C./S.T. Act, Police Station-Khair, District-Aligarh, and with a further prayer to release the appellant on bail in the aforesaid case.

3. The prosecution case is that the incident occurred on 25<sup>th</sup> May, 2025, at approximately 8:00 p.m. The the cousin brother of the informant, namely, Chandraveer, son of Megh Singh, was eating dinner at home. While eating, he received a call from an unknown person, who asked him to appear before Rameshwar, son of Kanhaiya, on River Road on which the brother of the informant reached there after having his meal. 10 minutes after reaching of Chandraveer there, a bike of smart red colour came on which two persons were sitting, one was unknown and the other was Sachin (appellant herein). As soon as they arrived, they started firing on cousin brother Chandraveer due to which a bullet hit his brother's temporal. Due to the bullet hitting his brother, his brother fell on the ground. Hearing the firing sound, people from nearby areas came including Kaushal and Pushpendra and his brother was taken to Community Health Center Khair district Aligarh where due to his condition being serious, he was referred to J.N. Medical College. Out of the two persons sitting on the bike, his brother has clearly identified one person named as

Sachin.

4. Learned counsel for the appellant submitted that the first information report has been lodged after one day for which no plausible explanation has been given. As per the first information report, no specific role as to who fired on the injured has been assigned to any of both the accused including the appellant. As per the medical examination report, there is no blackening, charring or tattooing on the injuries sustained by the injured which falsify the prosecution case. As per the C.T. Scan of the head of the injured which was done on 15th May, 2025, the injury was found on the mouth of the injured. There are inconsistencies in the statements of the eye witnesses. The prosecution version is doubtful from the contents of medical examination report of the injured in which the firing by 6 to 7 unknown persons has been mentioned. The statements of witnesses and injured are contradictory.

5. Learned counsel for the appellant further submits that prosecution witnesses i.e. P.W.1, P.W.2 and P.W. 3 including the informant-complainant have turned hostile during the course of trial and the injured has not been examined as one of the prosecution witness till date. Neither in the first information report nor in the statements of the prosecution witnesses the motive has been mentioned. Lastly, the learned counsel for the appellant submits that since the appellant has no criminal antecedents to his credit except the present one and is in jail since 29th May, 2025, meaning thereby that he has undergone more than one year of incarceration, therefore, he be released on bail.

6. On the contrary, opposing the submissions made by the learned A.G.A. for the State submits that in the statement recorded under Section 161 Cr.P.C./180 B.N.S.S. the injured has specifically stated that the time must have been between 08.00 pm to 08.15 pm, when he reached the intersection and had walked four-five steps from the intersection on Jamunka road, when two boys came from behind on an I-Smart motorcycle and the driver of the motorcycle fired at him with a pistol with the intention to kill him. The bullet hit him near his temporal. As soon as the bullet hit the injured, he fell on the ground bleeding. Jaiveer and Ramprakash of the village were standing near him. When they raised an alarm, both the accused fled the scene on a motorcycle. He recognized the shooter, Sachin (appellant herein), as he already knew him. He had fired at him with the intention to kill him. The injured could also recognize the pillion rider if he comes forward.

7. Learned A.G.A.A further submits that the statement of injured itself is sufficient to make out a case against the appellant. He then submits that the medical examination report of the injured has also supported the prosecution

version. Apart from the that, a country-made pistol has also been recovered from the pointing out of the accused-appellant on 7th June, 2025. The two eye-witnesses, namely, Jaiveer Singh and Ram Prakash in their statements recorded under Section 161 Cr.P.C. have also supported the prosecution version. He then submits that the statements of the prosecution witnesses, namely, P.W.1 to P.W. 3, who turned hostile as per the version of the learned counsel for the appellant, cannot affect the conclusion of the aforesaid sessions trial in its entirety. Learned A.G.A. for the State, therefore, submits that this is not a case in which the accused-appellant is liable to be enlarged on bail.

8. Having considered the respective submissions, totality of the case, in particular the statements of injured and two eye-witnesses, namely, Jaiveer Singh and Ram Prakash, the medical examination report of the injured and also the recovery of the country-made pistol on the alleged pointing out of the appellant, this Court is not inclined to release appellant-Sachin on bail.

9. Accordingly, the present criminal appeal lacks merit and dismissed.

**June 2, 2026**  
Sushil/-

**(Madan Pal Singh,J.)**