



2026:AHC-LKO:40429

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

CRIMINAL APPEAL No. - 1276 of 2026

Vishal Yadav

.....Appellant(s)

Versus

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

.....Respondent(s)

Counsel for Appellant(s)	: Sheel Nidhi Shukla, Priya Mishra
Counsel for Respondent(s)	: G.A.

Court No. - 13

HON'BLE PRAVEEN KUMAR GIRI, J.

1. Heard learned counsel for the appellant, Sri Ajay Kumar Srivastava, learned A.G.A. for the State, and perused the record.
2. The present criminal appeal under Section 14-A (2) Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act has been preferred against the impugned order dated 10.04.2026 passed by Special Judge (SC/ST Act), Lucknow in Bail Application No. 2263 of 2025, under Section 109(1), 127(2), 118(1), 352, 190, 191(2), 191(3), 3(5) B.N.S. and Section 3(2)(v) SC/ST (Prevention of Atrocities) Act arising out of Case Crime No. 36/2026, Police Station Gosainganj, District Lucknow, whereby the bail application of the appellant has been rejected.
3. This appeal was listed for the first time on 04.05.2026 and notice was issued to respondent no. 2. On several dates, despite service of notice, respondent no. 2 neither appeared before this Court nor filed any objection. On 01.06.2026, this Court granted a last opportunity to respondent no. 2 to appear either in person or through counsel and fixed the matter for hearing today. The offence is always against the State, therefore, counter affidavit on behalf of the State has already been filed and rejoinder affidavit thereto has also been filed.
4. Learned counsel for the appellant submits that the alleged incident occurred on 26.01.2026. The name of the appellant was not mentioned in the First Information Report with regard to the allegations of kidnapping and causing injuries to the injured, Ravi.
5. It is further submitted that, as per the prosecution case, the injured Ravi sustained injuries by a sharp-edged weapon, namely a knife. However, upon perusal of the injury report prepared at the Government Hospital,

multiple lacerated wounds on the neck and other parts of the body were found. It is also submitted that, as per the CT Scan Report, multiple patchy areas of ground-glass opacities were seen in the posterior segment of the right upper lobe and superior segment of the right lower lobe.

6. Learned counsel for the appellant further argues that injuries caused by a sharp-edged weapon would ordinarily result in incised wounds rather than lacerated wounds. It is further submitted that the name of the applicant surfaced subsequently in the statement of the injured and the medical evidence does not fully support the prosecution version.

7. Learned counsel for the appellant further submits that initially one Rajesh, the uncle of the victim, was named in the First Information Report, but during investigation he was exonerated on the basis of statements of prosecution witnesses. It is also submitted that the call detail records of the applicant were collected during investigation; however, the location reflected therein pertains to a period subsequent to the alleged incident. It is also submitted that the appellant has no criminal history.

8. It is next contended that the prosecution has not approached the Court with clean hands and that charge-sheet has been submitted against the applicant under Section 4 of the SC/ST (Prevention of Atrocities) Act. Learned counsel further submits that under Section 4(2)(b) and (e) of the SC/ST (Prevention of Atrocities) Act, it is mandatory that an FIR be lodged and the Investigating Officer files charge-sheet in the Court. For ready reference, Section 4 is delineated below :-

"4. Punishment for neglect of duties.—(1) Whoever, being a public servant but not being a member of a Scheduled Caste or a Scheduled Tribe, wilfully neglects his duties required to be performed by him under this Act and the rules made thereunder, shall be punishable with imprisonment for a term which shall not be less than six months but which may extend to one year.

(2) The duties of public servant referred to in sub-section (1) shall include—

(a) to read out to an informant the information given orally, and reduced to writing by the officer in charge of the police station, before taking the signature of the informant;

(b) to register a complaint or a First Information Report under this Act and other relevant provisions and to register it under appropriate sections of this Act;

(c) to furnish a copy of the information so recorded forthwith to the informant;

(d) to record the statement of the victims or witnesses;

(e) to conduct the investigation and file charge sheet in the Special Court or the Exclusive Special Court within a period of sixty days, and to explain the delay if any, in writing;

(f) to correctly prepare, frame and translate any document or electronic record;

(g) to perform any other duty specified in this Act or the rules made

thereunder:

Provided that the charges in this regard against the public servant shall be booked on the recommendation of an administrative enquiry.

(3) The cognizance in respect of any dereliction of duty referred to in sub-section (2) by a public servant shall be taken by the Special Court or the Exclusive Special Court and shall give direction for penal proceedings against such public servant."

9. Per contra, learned A.G.A., Sri Ajay Kumar Srivastava, opposed the prayer for bail and submitted that the injured sustained multiple injuries. Though the injuries are lacerated wounds and not incised wounds, the doctor has mentioned in the medical report that the injuries could have been caused by an unknown sharp-edged weapon. He further submitted that the injured was medically examined, though he was not admitted to the hospital.

10. Considering the submissions advanced by learned counsel for the parties, the nature of allegations, the evidence collected during investigation, the absence of any criminal antecedents of the applicant, and without expressing any opinion on the merits of the case, this Court finds it a fit case for grant of bail.

11. Accordingly, let the appellant, Vishal Yadav, be released on bail in the aforesaid case crime number on his furnishing personal bond and one surety to the satisfaction of the court concerned in view of the decision in **Smt. Bacchi Devi vs. State of U.P. and Another, 2025 SCC OnLine All 5286**, subject to following additional conditions:-

(i) The appellant shall not tamper with the prosecution evidence or attempt to influence any witness.

(ii) The appellant shall cooperate in the trial and shall appear before the trial court on each and every date fixed, either personally or through counsel, unless exempted by the court concerned.

(iii) The appellant shall not indulge in any criminal activity or commission of any offence after being released on bail.

(iv) The appellant shall not directly or indirectly make any inducement, threat, or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer.

(v) The appellant shall not leave the country without prior

permission of the court concerned.

12. If the appellant fails to comply with any of the aforesaid conditions, the trial court shall be free to take appropriate action, including cancellation of bail, in accordance with law.

13. In view of the above, the impugned order rejecting the bail of the appellant is set aside and this appeal is allowed.

(Praveen Kumar Giri,J.)

June 8, 2026

DKS