



2026:AHC:59540

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL APPEAL No. - 1692 of 2026

Harinarayan Yadav

.....Appellant(s)

Versus

State of U.P. and Another

.....Respondent(s)

Counsel for Appellant(s)	:	Chandra Bhushan Tiwari
Counsel for Respondent(s)	:	G.A., Santosh Kumar Singh

Court No. - 50

HON'BLE SHEKHAR KUMAR YADAV, J.

1. Heard learned counsel for the appellant and learned A.G.A. for the State and perused the record. Learned counsel for the informant is also present.

2. This criminal appeal has been filed by the learned counsel for the appellant under Section 14-A (2) of the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act, 1989 for setting aside the impugned order dated 02.02.2026 passed by Special Judge, SC/ST (P.A.) Act, Ghazipur in Case Crime No. 290 of 2025, under Sections 140(2), 191(2), 115(2), 352, 351(3) of BNS and Section 3(1)(D), 3(1)(Dh), 3(2) 5A of SC/ST Act, P.S. Mardah, District Ghazipur.

3. Learned counsel for the appellant submits that the appellant-applicant has been falsely implicated in the present case. It is contended by learned counsel for the appellant-applicant that there is delay of 13-14 hours in lodging of the FIR without there being any plausible explanation. It is further submitted that earlier appellant had approached this Court by filing Criminal Misc Writ Petition No. 29837 of 2025, in which his stay from arrest was granted vide order dated 20.-02.2026 and the said order is still continuing. However, subsequently the appellant was arrested as the said order could not be served. It is further submitted that the injuries sustained by the injured are simple in nature. It is further submitted that the appellant is in jail since 27.01.2026 and has no criminal history. It is further submitted that the charge sheet has yet not been filed and there is no possibility of early conclusion of trial. It is further submitted that the

essential ingredients to constitute offences under the SC/ST Act are also missing.

4. On the other hand, learned counsel for the opposite party no. 2 as well as AGA has opposed the prayer for bail, but could not dispute the said fact.

5. I have considered the rival submissions made by the learned counsel for the parties and have gone through the entire record including the impugned order carefully.

6. Having regard to the facts and circumstances of the case and keeping in view the nature of the offence, evidence, complicity of the accused, severity of punishment, the Court is of the opinion that the appellant has made out a case for bail.

7. Accordingly, the appeal is allowed and the impugned order rejecting the bail application of the appellant is set-aside.

8. Let the appellant Harinarayan Yadav, involved in the aforesaid case crime number be released on bail on furnishing a personal bond and two sureties each in the like amount to the satisfaction of the court concerned subject to following conditions. Further, before issuing the release order, the sureties be verified.

(i) The appellant will cooperate with the prosecution during trial.

(ii) The appellant will not tamper with the evidence during trial.

(iii) The appellant will not pressurize/intimidate the prosecution witness(es).

(iv) The appellant shall not commit an offence.

(v) 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 or tamper with the evidence.

(vi) The appellant shall remain present before the trial court on each date

fixed, either personally or through counsel.

(vii) The appellant will not seek any adjournment on the dates fixed for evidence when the witnesses are present in court.

(viii) The appellant shall remain present, in person, before the trial court on the dates fixed for recording of statement under Section 313 Cr.P.C.

9. In case of breach of any of the above conditions, the prosecution shall be at liberty to move bail cancellation application before the competent Court.

10. As this order relates to enlargement of the appellant on bail, it is clarified that observations made in this order shall have no bearing on the merits of the case and the trial court shall not be influenced by any observation made in this order.

(Shekhar Kumar Yadav,J.)

March 23, 2026

RavindraKSingh