



2026:AHC:56899

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL APPEAL No. - 318 of 2026

Alok Kumar Mishra

.....Appellant(s)

Versus

State of U.P. and Another

.....Respondent(s)

Counsel for Appellant(s)	:	Kushagra Srivastava, Ravi Prakash Mishra, Shahrukh
Counsel for Respondent(s)	:	G.A.

Court No. - 50

HON'BLE SHEKHAR KUMAR YADAV, J.

1. The present criminal appeal under Section 14-A(2) Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act has been filed by the appellant to set aside the bail rejection order dated 13.11.2025 passed by Special Judge (SC/ST Act) Muzaffar Nagar in Bail Application No.5279 of 2025 arising out of Case Crime No.70 of 2025, under Sections 87, 64(1), 127(3) BNS and Section 3(2)(v) of SC/ST Act, Police Station Phugana, District Muzaffarnagar.

2. Heard learned counsel for the appellant, the learned AGA for the State-respondent no.1 and perused the entire record. Despite service of notice, none has appeared on behalf of respondent no.2.

3. According to the prosecution case, the impugned FIR has been lodged by the informant alleging therein that on 23.09.2025 at about 10.00 am, her daughter aged about 18 years has been enticed away by the unknown persons.

4. Submission of learned counsel for the appellant is that the appellant is innocent and has been falsely implicated in this case. The appellant has not committed any offence as alleged in the impugned FIR. Prosecution story is totally false and fabricated. Appellant is not named in the FIR even the appellant has no concern with the alleged incident. Neither the appellant has enticed away the daughter of the informant nor he committed rape upon her. The real fact is that the victim was enticed away by co-accused Sameer on 23.09.2025 and appellant is a auto driver in Delhi and due to money dispute, the appellant has been implicated. As per statement of the victim

recorded under Sections 180 and 183 of BNSS, the victim well known to the co-accused Sameer who enticed her away and has already been granted bail by this Court vide order dated 27.01.2026 passed in Criminal Appeal No.12046 of 2025, copy of bail order has been placed on record. Appellant is languishing in jail since 28.09.2025 having no previous criminal history as has been mentioned in paragraph 24 of the affidavit. Further submission is that the impugned order rejecting the bail application of the appellant suffers from infirmity and illegality warranting interference by this Court.

5. On the other hand, learned A.G.A. vehemently opposed the the prayer for bail of the appellant and has submitted that the appellant committed the present offence having knowledge that the victim belonged to S.C./S.T. Community. There is no infirmity or illegality in the impugned order.

6. 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.

7. Having regard to the facts and circumstances of the case and keeping in view the nature of the offence, evidence, complicity of the accused, role assigned to the present appellant and the nature of injury, the Court is of the opinion that the appellant has made out a case for bail. The Court below erred in rejecting the bail application of the appellant. The impugned order suffers from infirmity and illegality and the same is liable to be set-aside and the appeal is liable to be allowed.

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

9. Let the appellant-**Alok Kumar Mishra**, involved in 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 not tamper with the evidence during the trial.

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

(iii) The appellant will appear before the trial court on the date fixed, unless personal presence is exempted.

(iv) The appellant shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected.

(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.

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

March 19, 2026

Ajeet

(Shekhar Kumar Yadav,J.)