



2026:AHC:55610

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL APPEAL No. - 421 of 2026

Neeraj Bhardwaj

.....Appellant(s)

Versus

State of U.P. and Another

.....Respondent(s)

Counsel for Appellant(s)	:	Narendra Kumar Singh
Counsel for Respondent(s)	:	G.A., Utkarsh Kumar Mishra, Vinod Kumar

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 13.11.2025 passed by Special Judge, SC/ST (P.A.) Act, Farrukhabad in Second Bail Application No. 1193 of 2025, in Case Crime No. 192 of 2024, under Sections 103, 238, 3(5), 61(2) BNS and Section 3(2)(v) of SC/ST Act, P.S. Maudarwaja, District Farrukhabad.
3. This is second bail application. The first bail of the appellant was heard and rejected vide order dated 24.03.2025 passed in Criminal Appeal No. 11723 of 2024.
4. As per prosecution version, the F.I.R. under Sections 103, 238 of the Bhartiya Nyay Sanhita (B.N.S.) and Section 3(2)(v) S.C./S.T. Act was lodged by the informant Surajpal Jatav on 11.9.2024 at 13:16 hours alleging therein that on 5.9.2024 at about 6:00 P.M., accused Guru son of Rakesh Bhardwaj forcibly took away Pinku, aged about 15 years, the son of the informant and when in the evening at about 7:00 P.M. the informant went to the shop of accused Guru, the other accused Rakesh Bhardwaj told him to send Pinku after 15 minutes and then he also made a phone call to the informant that his son had already gone to his house. However, Pinku did not come back and on 6.9.2024 at about 10:15 A.M., the dead body of Pinku was found in a drainage and it appeared that accused Rakesh Bhardwaj and his sons, in criminal conspiracy with each other, caused death of Pinku by drowning him in the drainage water and the dead body was hidden in the drainage. After investigation, charge-sheet was submitted in this matter against the accused Rakesh Bhardwaj alias Lala, Neelkanth alias Guru and the present appellant, under Sections 103, 238, 3(5), 61(2) of the Bhartiya Nyay Sanhita (B.N.S.) and Section 3(2)(v) S.C./S.T. Act.
5. The present second bail is being pressed on the ground that out of the 27

prosecution witnesses only two prosecution witnesses have been examined as yet and there is bleak possibility of trial being concluded in near future and there is no direct evidence against the appellant. It is further submitted that it is a case of circumstantial evidence. It is further stated that appellant is not named in the FIR, his name came into the confessional statement of co accused persons. It is a case of circumstantial evidence and the link of events are not complete to make a full chain of circumstances. Learned counsel for the appellant submits that the appellant-applicant has been falsely implicated in the present case. It is further submitted that appellant is in jail since 25.09.2025 and has no criminal history. It is further submitted that the essential ingredients to constitute offences under the SC/ST Act are also missing.

6. On the other hand, learned AGA has opposed the prayer for bail, but could not dispute the said fact.

7. 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.

8. 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.

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

10. Let the appellant Neeraj Bhardwaj, 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.

11. 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.

12. 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.

March 18, 2026
RavindraKSingh

(Shekhar Kumar Yadav,J.)