



2026:AHC:59399

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL APPEAL No. - 2043 of 2026

Lekhpal Mrityunjay Maurya

.....Appellant(s)

Versus

State of U.P. and Another

.....Respondent(s)

Counsel for Appellant(s)	:	Dhirendra Kumar Srivastava
Counsel for Respondent(s)	:	G.A.

Court No. - 50

HON'BLE SHEKHAR KUMAR YADAV, J.

1. Heard learned counsel for the appellant, learned A.G.A. for the State and perused the material available on record. Sri Ram Babu Singh, Advocate has filed vakalatnama on behalf of the opposite party no. 2 is taken on record.

2. This criminal appeal under Section 14-A (2) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act (hereinafter referred to as SC/ST Act) has been preferred by the appellant with the prayer to set aside the bail rejection order dated 14.01.2026 passed by the learned Special Judge (SC/ST Act), Mirzapur and to release him on bail.

3. The prosecution story as unfolded in the F.I.R. is that when the victim went to defecate in the field, co-accused Rambabu took away the victim on 04.09.2013 at about 7.30 P.M. When the victim went with Rambabu, rape was committed upon her in a room. When the police did not register the case, an application under Section 156(3) Cr.P.C. was moved by the informant and by order of the court, F.I.R. was lodged.

4. It is submitted by the learned counsel for the appellant that the appellant is innocent, he has not committed the alleged offence but he has been falsely implicated in this case. Alleged offences are not attracted against him. It is further submitted that the present case is absolutely false and frivolous. It is next submitted that as a matter of fact, the case was registered on the direction of the court. After investigation, final report was submitted by the police. In the further investigation, final report was again submitted by the police. After filing of the protest petition by the victim, the court concerned straightway summoned the accused appellant.

5. It is further submitted that the co-accused Rambabu, who was the main culprit and as per prosecution story, with whom the victim had gone to the place of occurrence, has been granted bail by the learned Special Judge SC/ST Act, Mirzapur vide order dated 10.10.2024. It is next submitted that the husband and daughter-in-law of the

victim have stated in their statements under Section 161 Cr.P.C. that no such incident took place with the victim. It is also submitted that earlier the matter was inquired by the police and the prosecution story was found false. It is next submitted that medical report does not support the prosecution version.

6. It is next submitted that the trial Court while passing the impugned order did not take into account the facts and evidence available on record in right perspective and erred in passing the same. It is also submitted that the appellant is in jail since 7.01.2026 having no criminal history to his credit. It is lastly submitted that the impugned order rejecting the bail application of the appellant suffers from infirmity and illegality warranting interference by this Court.

7. Per contra, learned A.G.A. and learned counsel for the opposite party no. 2 vehemently opposed the prayer but however, could not dispute this fact that the co-accused Rambabu, who was the main accused in the present case, has been granted bail by the learned Special Judge SC/ST Act, Mirzapur.

8. 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.

9. 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. The trial Court erred in rejecting the bail application. The impugned order suffers from infirmity and illegality and the same is liable to be set-aside and the appeal is to be allowed.

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

11. Let the appellant- **Lekhpal Mrityunjay Maurya**, involved in Complaint Case No. 05 of 2018, (S.S.T No. 642 of 2022), under Section 376-D I.P.C. and Section 3(2)(v) SC/ST Act, Police Station - Madihan, District- Mirzapur be released on bail on furnishing a personal bond and two heavy 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.

12. 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 23, 2026

A.

(Shekhar Kumar Yadav,J.)