



2026:AHC:56190

HIGH COURT OF JUDICATURE AT ALLAHABAD

APPLICATION U/S 528 BNSS No. - 7227 of 2026

Badri Narayan And Another

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite
Party(s)

Counsel for Applicant(s) : Shakti Shanker Tiwari, Subhash
Chandra Tiwari
Counsel for Opposite Party(s) : G.A.

Court No. - 77

HON'BLE PRAVEEN KUMAR GIRI, J.

1. Shri Subhash Chandra Tiwari, learned counsel for the applicants submits that he has filed the instant application under Section 528 BNSS with the relief which has been mentioned in the prayer clause of the application.
2. The relief which has been mentioned in the application is delineated below:-

"It is, therefore, most respectfully prayed that this Hon'ble Court may graciously be pleased to allow the instant application and further may be pleased to quash the impugned order of N.B.W. dated 31.07.2025 passed by learned Special Judge SC/ST Act, Prayagraj in Session Trial No. 972 of 2005 (State Vs. Bacha @ Rajendra and others) under Sections 323, 504, 506 I.P.C. and 3(1)(10) of SC/ST Act in Case Crime No. 40/94, Police Station Bahariya, District Prayagraj further a direction may be given to decide the Session Trial No. 972 of 2005 (State Vs. Bacha @ Rajendra and others) under Sections 323, 504, 506 I.P.C. and 3(1)(10) of SC/ST Act in Case Crime No. 40/94, Police Station Bahariya, District pending in the Court of Special Judge, SC/ST Act, in the interest of justice.

It is further prayed that this Hon'ble Court may graciously be pleased to stay the operation of impugned order of N.B.W. dated 31.07.2025 passed by learned Special Judge SC/ST Act, Prayagraj in Session Trial No. 972

of 2005 (State Vs. Bacha @ Rajendra and others) under Sections 323, 504, 506 I.P.C. and 3(1)(10) of SC/ST Act in Case Crime No. 40/94, Police Station Bahariya, District Prayagraj, in the interest of justice."

3. Learned counsel for the applicants submits that the applicants were enlarged on bail on furnishing their bail bonds and sureties. He further submits that for the first time non-bailable warrant has been issued against the applicants on 31.07.2025 and the next date was fixed on 16.10.2025 and thereafter order dated 24.02.2026 has been passed in respect of proceedings under Section 82 Cr.P.C.

4. Learned counsel for the applicants further submits that till date the bail bonds as well as sureties have neither been cancelled nor forfeited and he undertakes that the applicants are ready to appear on each and every date in future in person and they shall not seek any adjournment without any unavoidable reason, therefore, N.B.W. may be kept in abeyance till the cooperation of the applicant-accused.

5. Learned counsel for the State, Shri Shashidhar Pandey, submits that in case the applicants give an undertaking to cooperate in the trial proceedings and to appear on each and every date in future, the non-bailable warrant as well as proceedings under Section 82 Cr.P.C. may be kept in abeyance in the interest of justice.

6. This Court, invoking the inherent jurisdiction provided under Section 528 B.N.S.S., directs the concerned trial court to proceed with the trial proceedings in accordance with law. The effect and operation of non-bailable warrant dated 31.07.2025 passed by learned Special Judge SC/ST Act, Prayagraj in Session Trial No. 972 of 2005 (State Vs. Bacha @ Rajendra and others) under Sections 323, 504, 506 I.P.C. and 3(1)(10) of SC/ST Act in Case Crime No. 40/94, Police Station Bahariya, District Prayagraj along with the proceedings under Section 82 Cr.P.C. shall be kept in abeyance till the cooperation and appearance of the applicant-accused in the trial proceedings.

7. In case the applicants avoid the trial proceedings, the trial court shall be at liberty to proceed further, including cancellation of bail bonds and sureties and forfeiture of the same and thereafter to proceed in accordance

with law against the applicants-accused.

8. The application is **disposed of**.

(Praveen Kumar Giri,J.)

March 19, 2026

K.Tiwari