



2026:AHC:55712

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL APPEAL No. - 958 of 2026

Ajay Nishad

.....Appellant(s)

Versus

State of U.P. and Another

.....Respondent(s)

Counsel for Appellant(s)	:	Piyush Kumar, Vishal Pandey
Counsel for Respondent(s)	:	G.A.

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.
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 05.06.2025 passed by Special Judge, SC/ST (P.A.) Act, Gorakhpur in Case Crime No. 982 of 2024, under Sections 109, 333 BNS and Section 3(2)(v) of SC/ST, P.S. Jhangha, District Gorakhpur.
3. As per the prosecution case, the daughter of the informant was attacked on her head by the accused with the intention to kill, as a result of which she sustained serious injuries.
4. Learned counsel for the appellant submits that the appellant-applicant has been falsely implicated in the present case. It is submitted that the applicant is not named in the FIR. It is further submitted that no incriminating material has been recovered from the possession of the appellant or on his pointing out. Learned counsel further contends that during the investigation no credible evidence has been collected and, as per the arrest memo, it is clear that the applicant has been arrested only on the basis of the statement of an informer who allegedly suspected that the person seen in the video footage resembles the applicant as per the hulia (description). It is further submitted that the appellant is in jail since 18.12.2024 and his criminal history has been duly explained. It is also

submitted that the essential ingredients required to constitute the offences under the SC/ST Act are missing.

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

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, severity of punishment, the Court is of the opinion that the appellant has made out a case for bail.

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

9. Let the appellant Ajay Nishad, 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.

10. 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.

11. 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 18, 2026

RavindraKSingh