



2026:AHC:67333

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL APPEAL No. - 1732 of 2026

Prakash Prajapati

.....Appellant(s)

Versus

State of U.P. and Another

.....Respondent(s)

Counsel for Appellant(s)	:	Tarun Jha
Counsel for Respondent(s)	:	G.A.

Court No. - 50

HON'BLE SHEKHAR KUMAR YADAV, J.

Ref: Criminal Misc. Bail Application No.01 of 2026

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 13.01.2026 passed by Special Judge SC/ST (Prevention of Atrocities) Act, Jhansi in Bail Application No.02 of 2026 arising out of Case Crime No.112 of 2025, under Section 103(1), 238 BNS and 3(2)(5) of SC/ST Act, Police Station Lahchura, District Jhansi.
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. In short, the prosecution story is that the impugned FIR has been lodged by the informant alleging therein that his son Vishal Ahirwar aged about 18 years was having love affair with daughter of one Pappu Ahirwar. It is further alleged that on 07.08.2025 at about 3.00 pm the appellant Prakash Prajapati alongwith co-accused Arvind @ Gulle came to his house and stated that they would arrange a job for Vishal in Delhi, therefore, they took the son of the informant. On 07.08.2025 at about 7.00 pm when the informant called his son, who has stated that he is in Tehrauli town, thereafter, on the next day i.e. on 08.08.2025 at about 11.00 am when the informant called his son, his mobile was switched off. It is further alleged that on 09.08.2025 at about 11.30 am, the informant went to the appellant's house and inquired about his son, the appellant has stated that his son is in good condition.

Subsequently, the informant received information that dead body of his son had been found near Jharkhand. The body of the deceased has been identified by the informant at post mortem house, Mauranipur.

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. The FIR is highly delayed about two days for which no explanation has been mentioned. Neither appellant is named in the FIR nor there is any strong motive against the appellant to commit the crime in question. Further submission is that the name of the appellant has been disclosed only on the basis of confessional statement of co-accused Arvind @ Gulle. No incriminating article has been recovered from the possession or pointing out of the appellant. The recovery has been made from the possession of co-accused Arvind @ Gulle and also motive goes to him because there was illicit relation between her sister and deceased. There is no direct or indirect evidence against the appellant. As per postmortem report, there is only one single injury which is in the neck of the deceased and cause of death is mentioned due to shock and hemorrhage. Further submission is that there is no possibility of early conclusion of trial in near future, hence, the appellant may be enlarged on bail. Appellant is languishing in jail since 11.08.2025 having previous criminal history of two cases. 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-**Prakash Prajapati**, 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 31, 2026

Ajeet

(Shekhar Kumar Yadav,J.)