



2026:AHC-LKO:20624

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

CRIMINAL APPEAL No. - 457 of 2026

Jubair And 2 Others

.....Appellant(s)

Versus

State Of U.P. Thru. Prin. Secy. Home And
Another

.....Respondent(s)

Counsel for Appellant(s)	:	Chhaya Tripathi
Counsel for Respondent(s)	:	G.A.

Court No. - 28

HON'BLE PRAMOD KUMAR SRIVASTAVA, J.

Counter affidavit filed today by learned AGA for the State is taken on record.

Learned AGA for the State has informed the Court that notice of the instant criminal appeal has been served upon opposite party no. 2 and in this regard the report of concerned police station has been enclosed as Annexure no. CA-1 to the counter affidavit.

Today when the case is taken up, neither counsel on behalf of opposite party no. 2 is present nor any counter has been filed, therefore, this Court has no option but to proceed in the matter to decide the instant appeal.

Heard Ms. Chhaya Tripathi, learned counsel for the appellants and learned Additional Government Advocate for the State as well as perused the record.

The present criminal appeal under Section 14-A (2) Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act has been preferred against the impugned order dated 27.01.2026 passed by learned Special Judge, SC/ST Act, Raebareli in Bail Application No. 167 of 2026, arising out of Case Crime No. 0133 of 2025, under Sections 115(2), 352, 110 of BNS and Sections 3(2)(VA), 3(1)(DA), 3(1)(GHA) of the SC/ST Act, Police Station Shivratanganj, District

Amethi, whereby the bail application of the appellants has been rejected.

Learned counsel for the appellants submits that the appellants have falsely been implicated in the present case. She next submits that no eye witness account is mentioned in the FIR. She further submits that FIR is lodged with delay and without plausible explanation. She next submits that general role of 'marpeet' has been assigned to all the accused persons and no specific role has been assigned to the appellants. She further submits that in the medical report, all the injuries, except one, are found to be simple in nature. She further submits that due to a shop dispute, the appellants have falsely been implicated in the instant case. She next further submits that in the alleged offence punishment is less than seven years. She further submits that appellants are languishing in jail since 25.11.2025 having no criminal history to their credit and in case the appellants are enlarged on bail, they shall not misuse the liberty of bail and they shall also fully cooperate with the trial. She has further submitted that there is no possibility of the appellants to intimidate or pressurize the witnesses or any other persons acquainted with the facts of the present case.

For the aforesaid reasons, learned counsel for the appellants submits that the instant criminal appeal deserves to be allowed and the impugned order may be set aside and consequently, the appellants deserve to be enlarged on bail.

Per contra, learned AGA has vehemently opposed the prayer for bail by submitting that the appellants were involved in assaulting the complainant who belongs to SC/ST category. He further submits that learned trial court has appreciated the prosecution version in a rightful manner, therefore, the appellants are not entitled to be enlarged on bail and the instant criminal appeal deserves to be dismissed. However, he has been unable to dispute the other factual submissions advanced by the learned counsel for the appellants.

Considering the submissions of learned counsel for the parties and after perusal of material available on record, including the allegation

made in the FIR, it transpires that that no eye witness account is mentioned in the FIR; the FIR is lodged with delay and without plausible explanation; general role of 'marpeet' has been assigned to all the accused persons and no specific role has been assigned to the appellants; all the injuries, except one, are found to be simple in nature; due to a shop dispute, the appellants have falsely been implicated in the instant case; in the alleged offence punishment is less than seven years; the appellants are languishing in jail since 25.11.2025 having no criminal history to their credit and they have undertaken that in case they are enlarged on bail, they shall not misuse the liberty of bail and will cooperate with the trial and without expressing any opinion on merit, this Court is of the view that the learned court below has failed to appreciate the material available on record, thus, the order passed by the court below is liable to be set aside.

Accordingly, the appeal is **allowed**. Consequently, the impugned order dated 27.01.2026 passed by learned Special Judge, SC/ST Act, Raebareli in Bail Application No. 167 of 2026, arising out of Case Crime No. 0133 of 2025, under Sections 115(2), 352, 110 of BNS and Sections 3(2)(VA), 3(1)(DA), 3(1)(GHA) of the SC/ST Act, Police Station Shivratanganj, District Amethi, is hereby set aside.

Let the appellants-**Jubair, Soni @ Anwar** and **Moni @ Sarvar** be released on bail in the aforesaid case crime number on their furnishing personal bonds and two sureties each in the like amount to the satisfaction of the court concerned, subject to following conditions:

- (i) The appellants shall cooperate with the prosecution during trial.
- (ii) The appellants shall not tamper with the evidence during trial
- (iii) The appellants shall not pressurize/intimidate the prosecution witness(s).
- (iv) The appellants shall not commit an offence.
- (v) The appellants 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 appellants shall remain present before the trial court on each date fixed, either personally or through counsel.

(vii) The appellants shall not seek any adjournment on the dates fixed for evidence when the witnesses are present in court.

(viii) The appellants shall remain present, in person, before the trial court on the dates fixed for recording of statement under Section 313 Cr.PC.

In case of default of above conditions, it shall be open for the trial court to treat it as abuse of liberty of bail and pass orders in accordance with law

As this order relates to enlargement of the appellant on bail, it is clarified that observation(s) 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(s) made in this order.

March 20, 2026

kkv/

(Pramod Kumar Srivastava,J.)