



2026:AHC-LKO:19720

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

CRIMINAL APPEAL No. - 477 of 2026

Piyush Kumar

.....Appellant(s)

Versus

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

.....Respondent(s)

Counsel for Appellant(s)	:	Dharmendra Kumar Trivedi
Counsel for Respondent(s)	:	G.A., Indra Pratap Singh

Court No. - 28

HON'BLE PRAMOD KUMAR SRIVASTAVA, J.

Heard learned counsel for the appellant and learned AGA for the State as well as perused the record.

The present criminal appeal under Section 14-A (2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act has been preferred against the impugned order dated 06.02.2026 passed by the Special Judge (SC/ST Act), Raebareli in Bail Application No. 3678/2025, in Case Crime No. 389/2025, under Sections 103(2), 3(5) of BNS and Section 3(2)(v) of SC/ST Act, Police Station Unchahar, District Raebareli, whereby the bail application of the appellant has been rejected.

Learned counsel for the appellant submits that the appellant has falsely been implicated in the present case. He is not named in the FIR. During the course of investigation, the name of the appellant surfaced for the first time in the third statement of the wife of the deceased, recorded on 24.10.2025, which was based on hearsay and alleged viewing of a video clip provided by the IO. Even in said statement, the only role assigned to the appellant is that of standing and exhortation, with no specific allegation of assault. No incriminating article has been recovered from his possession. The appellant has no criminal history and is languishing in jail since 29.10.2025. It is further submitted that several co-accused persons have already been granted bail by this Court, namely: Vipin @ Anuj Maurya in Criminal Appeal No. 4134/2025 (Order dated 26.02.2026); Shiv Prasad Agrahari in Criminal Appeal No. 101/2026 (Order dated 26.02.2026); Suresh Kumar Maurya in Criminal Appeal No. 115/2026 (Order dated 26.02.2026); Vijay Kumar Maurya in Criminal

Appeal No. 262/2026 (Order dated 12.03.2026); and Ashish Pasi and Jitendra Kumar @ Lalli Pasi (Order dated 13.03.2026). On the ground of parity, the appellant deserves to be enlarged on bail.

Per contra, learned AGA has opposed the prayer for bail and submitted that the offence is of a serious nature; however, he could not dispute the factual submissions that the appellant was not named in the FIR and his name surfaced at a highly belated stage during the investigation. He further could not dispute that several co-accused persons, who were assigned similar or more serious roles, have already been enlarged on bail by this Court.

Considering the submissions of learned counsel for the parties and after perusal of the material available on record, it transpires that the appellant was not named in the FIR and his implication in the third statement of the deceased's wife (dated 24.10.2025) is based on an alleged video clip, the reliability of which is a matter of trial. It is further evident that the appellant has no prior criminal history and has been in jail since 29.10.2025. Taking into account that the role of physical assault has not been specifically assigned to the appellant and that several co-accused persons have already been granted bail (vide orders dated 26.02.2026, 12.03.2026, and 13.03.2026), the appellant is entitled to be released on bail on the ground of parity. Without expressing any opinion on the merits of the case, this Court is of the view that the learned court below has failed to appreciate the material facts and the shifting nature of the prosecution's evidence. Thus, the impugned order passed by the court below is perverse and liable to be set aside.

Accordingly, the appeal is **allowed**. Consequently, the impugned order dated 06.02.2026 passed by Special Judge (SC/ST Act), Raebareli is hereby set aside.

Let the appellant- **Piyush Kumar** be released on bail in the aforesaid case crime number on his furnishing a personal bond and two sureties each in the like amount to the satisfaction of the court concerned, subject to following additional conditions:

- (i) The appellant shall cooperate with the prosecution during trial.
- (ii) The appellant shall not tamper with the evidence during trial.
- (iii) The appellant shall not pressurize/intimidate the prosecution witness(s).
- (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.

(vi) The appellant shall remain present before the trial court on each date fixed.

(vii) The appellant shall not seek any adjournment when witnesses are present. (viii) The appellant shall remain present, in person, for recording of statement under Section 313 Cr.PC., if required.

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.

March 18, 2026
Haseen U.

(Pramod Kumar Srivastava,J.)