



2026:AHC-LKO:21983

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

CRIMINAL APPEAL No. - 338 of 2026

Shailendra Pratap Singh @ Shailendra Pratap

.....Appellant(s)

Versus

State Of U.P. Thru. Prin. Secy. Home Lko. And
2 Others

.....Respondent(s)

Counsel for Appellant(s) : Suresh Kumar Yadav

Counsel for Respondent(s) : G.A., Permishwar Dutt Tewari, Vijay
Kumar Tiwari

Court No. - 12

HON'BLE MANISH MATHUR, J.

1. Heard learned counsel for appellant, learned Additional Government Advocate for respondent No.1 and Mr. Permishwar Dutt Tewari, learned counsel for respondent No.2.
2. Rejoinder affidavit filed today is taken on record.
3. Learned counsel for appellant is granted liberty to correct memorandum of appeal to incorporate correct bail application number during the course of day.
4. This Criminal Appeal has been filed by appellant under Section 14A(2) of Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act, 1989 with a prayer to set aside order dated 20.01.2026 passed by Special Judge (SC/ST Act) on Bail Application No.65 of 2026 (*Shailendra Pratap Singh @ Shailendra Pratap v. State of U.P.*) arising out of Case Crime No. 529 of 2025, under Sections 115(2), 352, 351(3), 118(1) & 109(1) BNS and under Sections 3(1)(da), 3(1)(dha) & 3(2)(v) of Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act, 1989, Police Station Satrikh, District Barabanki refusing bail to appellant.
5. As per contents of F.I.R., the incident is said to have taken place on 19.11.2025 at about 07.00 A.M. when the appellant alongwith co-accused is said to have attacked the informant and his brother inflicting serious injuries upon his brother Vimlesh. Allegation of caste

based insult is made against the informant and his brother. Learned counsel for appellant submits that general allegations of inflicting injuries and making caste based insults have been made in the F.I.R. without any specific indication against the appellant. He has also adverted to statement recorded under Section 161 CrPC of the informant as well as the injured to submit that neither of the statements has any specific role been assigned to the appellant of having caused injuries on vital parts of the brother of complainant. It is also submitted that injured has suffered 14 injuries with 5 of them on vital parts which could have been caused by a sharp object as per medical report, but in none of the statements has any allegation been levelled that the appellant attacked the informant by sharp object. He has also adverted to rejoinder affidavit to submit that recovery of such an object has been made from the co-accused Dhananjay Yadav.

6. It is submitted that the appellant is a student of Intermediate and his career prospects would be materially affected by incarceration particularly since he is in jail since 18.12.2025 without any previous criminal history.

7. Learned Additional Government Advocate as well as learned counsel for respondent Nos.2 & 3 have opposed the bail application with learned counsel for injured adverting to the injury report with the submission that as many as 14 injuries have been suffered by the victim with 5 of them being on vital parts of head and skull. He has also adverted to statement of injured with the submission that specific allegation has been levelled against the appellant along with co-accused Dhananjay Yadav.

8. It is further submitted that no plea has been raised in the bail application with regard to appellant being a student and such a fact has been indicated for the first time in rejoinder affidavit.

9. Learned Additional Government Advocate has also opposed the bail application, but as per instructions, submits that the appellant has no previous criminal history.

10. Upon consideration of submissions advanced by learned counsel for parties, at this stage, without entering into the merits of case and subject to evidence, it appears that general allegations have been

levelled against the appellant as well as co-accused of having caused injuries to the victim. In the statements of informant as well as the injured, there is no specific allegation of appellant having attacked the informant by any sharp object whereas the injury report while indicating 14 injuries has indicated injuries on vital parts which are 5 in number and are said to have been inflicted by sharp object.

11. Rejoinder affidavit filed today also indicates that such a sharp object has been recovered at the instance of pointing out of co-accused Dhananjay Yadav. The appellant also appears to be a student of Intermediate without any previous criminal history and his prolonged incarceration may affect the prospects of reform.

12. Considering the facts and circumstance of the case, without commenting on merits, I am of the view that the learned Court below has failed to appreciate the material available on record. The order passed by the Court below is liable to be set aside.

13. Accordingly, the appeal is **allowed** and order dated 20.01.2026 is set aside.

14. Let appellant/applicant involved in aforesaid case crime be released on bail on his furnishing a personal bond and two sureties each in the like amount to the satisfaction of the Court concerned with the following conditions which are being imposed in the interest of justice:-

(i) The appellant/applicant will not tamper with the evidence during the trial

(ii) The appellant/applicant will not pressurize/intimidate the prosecution witness.

(iii) The appellant/applicant 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 any police officer or tamper with the evidence.

(iv) The appellant/applicant shall file an undertaking to the effect that he shall not seek any adjournment on the dates

fixed for evidence when the witnesses are present in court. In case of default of this condition, it shall be open for the trial court to treat it as abuse of liberty of bail and pass orders in accordance with law.

(v) The appellant/applicant shall remain present before the trial court on each date fixed, either personally or through his counsel. In case of his absence, without sufficient cause, the trial court may proceed against him under Section 229-A of the Indian Penal Code (now Section 269 of the Bharatiya Nyaya Sanhita, 2023).

(vi) In case, the appellant/applicant misuses the liberty of bail during trial and in order to secure his presence proclamation under Section 82 Cr.P.C. (now Section 84 BNSS) is issued and the appellant/applicant fails to appear before the court on the date fixed in such proclamation, then, the trial court shall initiate proceedings against him, in accordance with law, under Section 174-A of the Indian Penal Code (now Section 209 of the Bharatiya Nyaya Sanhita, 2023).

15. Pending applications, if any, too stand disposed of.

March 30, 2026
lakshman

(Manish Mathur,J.)