



2026:AHK-LKO:22067

**HIGH COURT OF JUDICATURE AT ALLAHABAD  
LUCKNOW**

**CRIMINAL APPEAL No. - 3856 of 2025**

Jishan @ Baba @ Chhotu

.....Appellant(s)

Versus

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

.....Respondent(s)

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|---------------------------|---|---------------------|
| Counsel for Appellant(s)  | : | Ashish Kumar Shukla |
| Counsel for Respondent(s) | : | G.A.                |

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**Court No. - 12**

**HON'BLE MANISH MATHUR, J.**

1. Heard learned counsel for appellant, learned Additional Government Advocate appearing on behalf of respondent no. 1-State. Despite notice having been served upon respondent No.2, he has not put in an appearance.

2. This Criminal Appeal has been filed by the appellant under Section 14-A(2) of Scheduled Caste & Scheduled Tribes (Prevention of Atrocities) Act, 1989 to set aside order dated 6th November, 2025 passed by Special Judge S.C./S.T. Act, Pratapgarh in Case Crime No. 112 of 2025 under Sections 191(2), 191(3), 190, 109(1), 352, 351(3), BNS and Sections 3(1)Da, 3(1)Dha, 3(2)va, 3(2)v, Maheshganj, District-Pratapgarh. Further, a prayer has been made to enlarge the appellant on bail in the said case crime.

3. As per contents of FIR, the informant's son, Pintu had given an amount of Rs. 5,000/- to co-accused Annu alias Monu and was demanding the same. On June 5th June 2025, the said Annu alias Monu alias Sunil Saroj asked the informant's son to come to a particular place but upon reaching the said place at about 4:30 pm, the said Annu alias Monu alias Sunil Saroj exhorted the appellant as well as co-accused to surround him, whereupon the informant's son was surrounded and attacked whereafter the said Annu alias Monu also exhorted the co-accused Imran Khan who thereafter opened fire upon the informant's son leaving two bullet injuries on his leg and he could be saved only due to intervention of bystanders.

4. It is submitted that neither in the FIR nor in the statement of injured Pintu Saroj, has any allegation been levelled against the appellant of having opened fire upon the victim. It is submitted that said Annu alias Monu has already been granted bail in Criminal Appeal No. 3282 of 2025 whereas the case of the appellant stands on a better footing. It is submitted that previous criminal history of the appellant has already been explained in paragraph 10 of the rejoinder affidavit and earlier as well, the appellant had been granted interim bail vide order dated 1st December 2025 which has not been misused.

5. Learned AGA has opposed the appeal but admits that appellant was enlarged on interim bail on 1st December, 2025, which has not been misused and that previous criminal history of five cases has been explained in paragraph 10 of the rejoinder affidavit.

6. Upon consideration of submissions advanced by learned counsel for parties and perusal of the material on record, at this stage without entering into the merits of the case and subject to evidence being led in trial, it appears from perusal of the FIR as well as the statement of the injured that there is no allegation levelled against appellant of having opened fire or injuring the victim, which role has been assigned to co-accused Imran Khan at the exhortation of another co-accused Annu alias Monu who has already been granted relief by this Court in Criminal Appeal No. 3282 of 2025. Previous criminal history of appellant has already been explained in paragraph 10 of the rejoinder affidavit and the appellant was also granted interim bail by this court on 1st December 2025 which does not appear to have been misused in any manner. It is submitted that the trial is at the very inception.

7. Considering the submissions advanced by learned counsel for appellant, it is apparent that the impugned order has been passed without appreciating the submission made on behalf of appellant and as such the order impugned by the court below is liable to be set aside. Accordingly, the appeal is allowed and the order dated 6th November, 2025 is set aside.

8. Let appellant/applicant Jishan @ Baba @ Chhotu , 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 to 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 Bhartiya 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 Bhartiya Nyaya Sanhita, 2023).

9. The pending application if any too stands disposed of.

**March 30, 2026**  
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**(Manish Mathur,J.)**