



2026:AHC-LKO:22629

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

CRIMINAL MISC. BAIL APPLICATION No. - 1372 of 2026

Sahdev @ Sahdev Pasi

.....Applicant(s)

Versus

State Of U.P. Thru. Prin. Secy. Home Civil Sectt. Lko.

.....Opposite Party(s)

Counsel for Applicant(s)	:	Sachin Verma, Praveen Kumar Pandey
Counsel for Opposite Party(s)	:	G.A., Indra Pratap Singh

Court No. - 13

HON'BLE MANISH KUMAR, J.

1. Heard learned counsel for the applicant and learned AGA for the State.
2. By means of this application preferred under Section 483 BNSS, the applicant, who is involved in Case Crime No. 389/2025, under Sections 103(2) (newly added Section), 3(5) BNS (old Section 34 IPC) , Police Station- Unchahar, District Raibareli is seeking enlargement on bail during the trial.
3. Brief facts of the present case are that an FIR dated 02.10.2025 has been lodged by the informant under Sections 103(2) & 3(5) BNS, 2023 against two named accused persons and few unknown persons (the applicant is not named in the FIR), alleging therein that his son was found dead near the railway line and the informant has come to know that due to some suspicion, the named accused persons along with others beaten the son of the informant due to which he expired.
4. Learned counsel for the applicant has submitted that the applicant is not named in the FIR. His name has been cropped up in the *majid bayan* of the informant recorded at the belated stage.
5. It is further submitted that another co-accused person namely Suresh Kumar Maurya who is also not named in the FIR has approached this Court by filing a Criminal Appeal No. 115 of 2026 as his bail application was rejected by the Special Judge, SC/ST Act, Raebareli and this Court has granted bail by passing an order dated 26.02.2026. The copy of the bail order has been provided during the course of argument, which is taken on record. The evidence/material against the co-accused- Suresh Kumar Maurya is the same on the basis of which the present applicant has been charge-sheeted in the present case. Hence, the applicant is entitled for parity of bail granted to the co-accused Suresh Kumar Maurya. The order passed in Criminal Appeal No. 115 of 2026 granting bail to the co-accused person namely Suresh Kumar Maurya, is quoted hereinbelow:-

“(Crl. Misc. Application No.1 of 2026)

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 03.01.2026 passed by the learned Special Judge (SC/ST Act), Raebareli, in Bail Application No. 3638 of 2025, arising out of Case Crime No. 0389/2025, under Sections 103(2) and 3(5) of the Bharatiya Nyaya Sanhita (BNS), 2023, and Section 3(2)(v) of the SC/ST (Prevention of Atrocities) Act, Police Station Unchahar, District Raebareli, whereby the learned court below rejected the bail application of the applicant, Suresh Kumar Maurya.

Learned counsel for the appellant submits that the appellant has been falsely implicated in the present case due to village-level politics and "party-bandi." He further submits that the appellant was not named in the First Information Report (F.I.R.) lodged on 25.09.2024; rather, his name surfaced much later during the investigation through a supplementary statement of the informant, which was recorded after a significant delay. He next submits that there is no direct evidence or eye-witness account linking the appellant to the death of the deceased, Hariom, whose body was found near a railway line. He further submits that the deceased was reportedly of unsound mind and had left his home without informing anyone, suggesting that the circumstances of the death remain highly doubtful. He next submits that no incriminating articles or weapons were recovered from the possession or at the instance of the appellant. He further submits that the appellant is languishing in jail since 30.06.2025 and has no prior criminal history. He next submits that the allegations under Section 103(2) of the BNS and the SC/ST Act are prima facie unsustainable as the appellant had no common intention to commit the alleged offense. He further submits that in case the appellant is enlarged on bail, he shall not misuse the liberty of bail, he shall not tamper with the evidence or pressure witnesses, and he shall fully cooperate with the trial. He has further submitted that the appellant is a law-abiding citizen and is ready to furnish bail bonds to the satisfaction of the court.

For the aforesaid reasons, learned counsel for the appellant submits that the instant criminal appeal deserves to be allowed, the impugned order dated 03.01.2026 passed by the Special Judge (SC/ST Act), Raebareli, deserves to be set aside, and consequently,

Per contra, the learned AGA has opposed the bail prayer by submitting that the applicant is accused of a heinous offense involving the death of the deceased. However, the learned AGA could not dispute the fact that the applicant was not named in the First Information Report and that no incriminating recovery has been made from his possession.

Considering the submissions of the learned counsel for the parties and after a perusal of the material available on record, it transpires that the applicant has no prior criminal history and has been in continuous custody since October 4, 2025. It is further observed that the prosecution's case relies on statements that surfaced after the FIR, and the applicant's defense regarding false implication due to village-level 'party-bandi' remains a matter of trial. Without expressing any opinion on the merits of the case, this Court is of the view that the court below failed to properly appreciate the material available on record; thus, the impugned order is liable to be set aside and the appeal is allowed.

Accordingly, the appeal is allowed. Consequently, the order dated 03.01.2026 passed by the Special Judge (SC/ST Act), Raebareli, is hereby set aside.

Let the appellant, Suresh Kumar Maurya, be released on bail in Case Crime No. 0389/2025, under Sections 103(2) and 3(5) of the BNS and Section 3(2)(v) of the SC/ST Act, Police Station Unchahar, District Raebareli, upon his furnishing a personal bond and two sureties each in the like amount to the satisfaction of the court concerned, subject to the 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."

6. It is further submitted that the applicant has no criminal history and he is in jail since 04.10.2025.

7. Learned AGA and counsel for the informant oppose the prayer for bail but unable to dispute the submission made by learned counsel for the applicant and the parity claimed by the applicant with the bail granted to co-accused Suresh Kumar Maurya by this Court.

8. Considering the aforesaid, the parity of the bail granted to co-accused Suresh Kumar Maurya against whom there is same evidence and material on the basis of which he has been made accused is against the applicant also.

9. Prima facie, it is found that it is a fit case for grant of bail to the applicant. Accordingly, the instant bail application is allowed.

10. Let the applicant- Sahdev @ Sahdev Pasi 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 with the following conditions:-

- (i) The applicant will cooperate with the prosecution during trial.
- (ii) The applicant will not tamper with the evidence during trial.
- (iii) The applicant will not pressurize/intimidate the prosecution witness(es).
- (iv) The applicant shall not commit an offence.
- (v) The 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.
- (vi) The applicant shall remain present before the trial court on each date fixed, either personally or through counsel.
- (vii) The applicant will not seek any adjournment on the dates fixed for evidence when the witnesses are present in court.
- (viii) The applicant shall remain present, in person, before the trial court on the dates fixed for recording of statement under Section 313 Cr.P.C.

11. 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.

12. As this order relates to enlargement of the applicant on bail, it is clarified that observations made in this order shall have no bearing on the merits of the case and the trial court shall not be influenced by any observations made in this order.

March 31, 2026
Nitesh

(Manish Kumar,J.)