



2026:AHC:125630

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL APPEAL No. - 1754 of 2026

Raja Goswami Alias Sumit

.....Appellant(s)

Versus

State of U.P. and Another

.....Respondent(s)

Counsel for Appellant(s)	:	Shivanand Mishra, Suraj Upadhyay
Counsel for Respondent(s)	:	G.A.

Court No. - 1

HON'BLE MADAN PAL SINGH, J.

1. Case called out in the revised call. Despite service of notice, no one has appeared on behalf of the appellant to press the present appeal.

2. Heard learned counsel for the appellant, learned AGA for the State and perused the record.

3. This criminal appeal under Section 14A(2) of SC/ST (Prevention of Atrocities) Act, 1989 has been filed by the appellant with the prayer to set-aside the impugned bail rejection order dated 23.12.2025 passed by learned Special Judge SC/ST (P.A) Etawah in bail application No. 2591 of 2025 (Raja Goswami alias Sumit versus State of U.P.) in Case Crime no. 294 of 2025, under Section- 105 B.N.S and 3(1)(dh) & 3(2)V of SC/ST (P.A) Act, Police Station-Bhartana, District- Etawah., and with a further prayer to release the appellant on bail in the aforesaid case.

4. As per the prosecution case, on 11.09.2025 at about 7:20 p.m., while the complainant and his son, Gaurav, were having an altercation in the verandah of their house, the appellant-accused, Raja Goswami @ Sumit, arrived at the spot and allegedly abused Gaurav by using caste-related remarks and assaulted him. As a result of the assault, Gaurav fell to the ground, became unconscious, and sustained bleeding injuries from his nose and mouth. He was taken to the District Hospital, Etawah, for medical treatment, where he was declared dead. The incident was allegedly witnessed by the complainant's wife, Asha Devi, and other residents of the colony.

5. Learned counsel for the appellant submitted that the appellant had no intention to commit the alleged offence and had gone to the spot only to settle the dispute between the deceased and his father. It is contended that the appellant has no motive to commit the alleged commission of crime and

that the deceased, being under the influence of alcohol, accidentally fell on the ground and sustained injuries on the occipital area of his head, thereafter he admitted in the hospital where the doctor has declared dead. The has been languishing in jail since 19.09.2025.

6. Per contra, learned counsel for the State opposed the appeal and the prayer for bail, submitting that the deceased had sustained as many as 14 injuries and that the post-mortem report indicates that the cause of death was ante-mortem head injuries. It is further submitted that the nature and number of injuries clearly indicate the involvement of the appellant. However, learned AGA fairly conceded that no specific motive has been attributed to the appellant for committing the alleged offence.

7. Having heard learned counsel for the parties and perused the record, this Court finds that although the deceased sustained multiple injuries and the post-mortem report indicates that the cause of death was ante-mortem head injuries, there is no specific motive attributed to the appellant for committing the alleged offence. It is further submitted that at the time of incident, the deceased was under the influence of alcohol and had fallen on the ground, and that the appellant had no intention to commit the alleged offence. It is also contended that the appellant had gone to the spot only to settle the dispute between the deceased and his father. The appellant has been in judicial custody since 09.02.2026.

8. Considering the overall facts and circumstances of the case, nature of allegations, evidence on record, and period of incarceration already undergone, and without expressing any opinion on the merits of the case, this Court is of the view that the appellant has made out a fit case for grant of bail.

9. Let the appellant- **Raja Goswami Alias Sumit** be released on bail in the aforesaid case crime number on furnishing a personal bond of Rs. 50,000/- 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 will not tamper with prosecution evidence and will not harm or harass the victim/complainant in any manner whatsoever.
- ii) The appellant will abide the orders of court, will attend the court on every date and will not delay the disposal of trial in any manner whatsoever.
- iii) The appellant shall file an undertaking to the effect that he shall not seek any adjournment on the date 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.

iv) The appellant will not misuse the liberty of bail in any manner whatsoever. In case, the appellant misuses the liberty of bail during trial and in order to secure his presence proclamation under section 84 BNSS/82 Cr.P.C., may be issued and if appellant 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 209 BNS/174-A I.P.C.

v) The appellant shall remain present, in person, before the trial court on dates fixed for (1) opening of the case, (2) framing of charge and (3) recording of statement under Section 251 BNSS/313 Cr.P.C. If in the opinion of the trial court absence of the appellant is deliberate or without sufficient cause, then it shall be open for the trial court to treat such default as abuse of liberty of bail and proceed against him in accordance with law and the trial court may proceed against him under Section 269 BNS/229-A IPC.

vi) The trial court may make all possible efforts/endeavour and try to conclude the trial expeditiously after the release of the appellant.

10. The identity, status and residential proof of sureties will be verified by court concerned and in case of breach of any of the conditions mentioned above, court concerned will be at liberty to cancel the bail and send the appellant to prison.

11. Accordingly, the appeal succeeds and the same stands allowed.

12. The impugned order dated 23.12.2025 passed by Special Judge (SC/ST) Act, Etawah is hereby set aside.

June 4, 2026
Akbar

(Madan Pal Singh,J.)