



2026:AHC:125431

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL APPEAL No. - 1773 of 2026

Manoj Kumar

.....Appellant(s)

Versus

State of U.P. and Another

.....Respondent(s)

Counsel for Appellant(s)	:	Abhishek Mayank, Shashikala Mani Tripathi
Counsel for Respondent(s)	:	G.A.

Court No. - 1

HON'BLE MADAN PAL SINGH, J.

1. List revised. None has appeared on behalf of opposite party no.2.
2. Heard Mr. Abhishek Mayank, learned counsel for the appellant, learned A.G.A. for the State and perused the record.
3. The present criminal appeal under Section 14-A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 has been preferred by the appellant seeking to set aside the order dated 02.12.2025 passed by Special Judge (SC/ST Act), Moradabad in Criminal Misc. Bail Application No.189 of 2026 arising out of Case Crime No.103(1), 61(2) BNS and 3(2)v of SC/ST Act, Police Station Pakbada, District Moradabad whereby the bail application of the appellant has been rejected.
4. The facts in brief are that impugned FIR has been lodged by the informant, who is the brother of the deceased, Yogesh. As per the allegations contained therein, on 17.09.2025 at about 6:30 p.m., co-accused Gaurav, Kapil and Shobharam, who are residents of the same village, took the deceased Yogesh along with them. It is alleged that when Yogesh did not return home during the night, the informant made inquiries from the aforesaid persons regarding his whereabouts. However, all three accused persons denied having any knowledge about him and did not disclose his whereabouts. It is further alleged that on the following morning, the informant came to know that the dead body of his brother, Yogesh, was lying near Mauda Taiyaa. Consequently, the present FIR came to be lodged against the accused persons.
5. Learned counsel for the appellant submits that the appellant is innocent

and has been falsely implicated in the present case. It is contended that there is neither direct nor indirect evidence connecting the appellant with the alleged offence, and no specific or concrete motive has been attributed to him. The prosecution case rests entirely on circumstantial evidence. Learned counsel further submits that although the informant, in his statements recorded under Sections 161 and 164 Cr.P.C., supported the prosecution case and reiterated the version as set out in the FIR, in his subsequent/additional statement he did not level any allegation against the appellant. It is further argued that the appellant's name surfaced for the first time on 21.09.2025 on the basis of information allegedly received from a *mukhbir khas* (secret informer), and he was arrested on the same day. The appellant has no previous criminal antecedents and has been languishing in jail since 21.09.2025. Learned counsel assures the Court that, in the event of his release on bail, the appellant shall not misuse the liberty of bail, shall cooperate with the trial proceedings, and shall remain available whenever required by the Court.

6. On the other hand, learned A.G.A. vehemently opposed the the prayer for bail of the appellant and has submitted that the appellant committed the present offence having knowledge that the victim belongs to S.C./S.T. Community. The accused himself has admitted in his statement that he has committed the alleged offence. There is no infirmity or illegality in the impugned order.

7. Upon being asked, learned AGA fairly submits that except confessional statement of the appellant, there is no evidence on record to suggest the implication of the appellant even there is no eye witness of the alleged incident.

8. I have considered the rival submissions made by the learned counsel for the parties and have gone through the entire record including the impugned order carefully.

9. Having regard to the facts and circumstances of the case and keeping in view the nature of the offence, evidence, complicity of the accused, role assigned to the present appellant and the nature of injury, the Court is of the opinion that the appellant has made out a case for bail. The Court below erred in rejecting the bail application of the appellant. The impugned order suffers from infirmity and illegality and the same is liable to be set-aside.

10. Consequently, the appeal succeeds and is allowed. The impugned order

dated 02.12.2025 passed by Special Judge (SC/ST Act), Moradabad in Criminal Misc. Bail Application No.189 of 2026, is hereby set aside.

11. Let the appellant-**Manoj Kumar**, be released on bail in the aforesaid case crime number on furnishing a personal bond in the sum of Rs. 50,000/- (Fifty Thousand) and two reliable sureties each in the like amount to the satisfaction of the court concerned, subject to the following conditions:

(i) The appellant shall not tamper with the prosecution evidence and 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/her from disclosing such facts before the Court or any authority.

(ii) The appellant shall cooperate in the trial proceedings and shall remain present before the trial court on each and every date fixed unless his personal appearance is exempted by the court concerned.

(iii) The appellant shall file an undertaking before the trial court that he shall not seek any unnecessary adjournment on dates fixed for evidence when prosecution witnesses are present. In case of default, it shall be open for the trial court to treat the same as abuse of the liberty of bail and pass appropriate orders in accordance with law.

(iv) The appellant shall not misuse the liberty of bail in any manner whatsoever.

(v) In case the appellant misuses the liberty of bail during trial and in order to secure her presence a proclamation under Section 84 B.N.S.S. is issued and he fails to appear before the court on the date fixed in such proclamation, the trial court shall be at liberty to proceed against him in accordance with law.

(vi) The appellant shall remain personally present before the trial court on the dates fixed for (a) opening of the case, (b) framing of charge and (c) recording of statement under Section 351 B.N.S.S. If in the opinion of the trial court his absence on any such date is deliberate or without sufficient cause, it shall be open for the trial court to treat such default as abuse of the liberty of bail and proceed in accordance with law.

(vii) The trial court shall make all possible endeavours to

conclude the trial expeditiously after the release of the appellant.

12. The identity, status and residential proof of the sureties shall be verified by the court concerned before acceptance of the bail bonds.

13. It is made clear that any wilful violation of the conditions imposed hereinabove shall have consequences in accordance with law and the court concerned shall be at liberty to cancel the bail granted to the appellant.

June 4, 2026
Ajeet

(Madan Pal Singh,J.)