



2026:AHC:125519

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL APPEAL No. - 1981 of 2026

Jaypal Singh

.....Appellant(s)

Versus

State of U.P. and Another

.....Respondent(s)

Counsel for Appellant(s)	:	Narsingh Pandey, Rama Shankar Upadhyay
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 despite service of notice.
2. Heard 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 31.01.2026 passed by Additional District & Session Judge/Special Judge (SC/ST Act) Lalitpur in Bail Application No.91 of 2026 arising out of Case Crime No.308 of 2025, under Sections 115(2), 352, 351(3), 119(1), 123 BNS, 3(1)(Da) and 3(1)(Dha) and 3(2)(V), 3(2)(Va), 3(1)(H) of SC/ST Act, Police Station Mahrauni, District Lalitpur whereby the bail application of the appellant has been rejected.
4. Learned counsel for the appellant submits that the appellant is an entirely innocent and has been falsely implicated in the present case. There is no direct or indirect evidence against the appellant. He further submits that informant, who himself is injured lodged the FIR against the appellant and two co-accused person. He further submits that as per statement of the injured, the main role assigned to co-accused Toofan Raja, who has been granted bail by another co-ordinate Bench of this Court vide order dated 16.12.2025 passed in Criminal Appeal No.10672 of 2025, copy of bail order has been annexed as Annexure No.4 to the affidavit filed in support of appeal. He further submits that since the case of the appellant is standing on much better footing than to the co-accused Toofan Raja, who has already

been granted bail, the appellant is also entitled for the bail on the ground of parity. He further submits that the applicant is having no previous criminal history as has been mentioned in paragraph 19 of the affidavit and he is languishing in jail since 23.12.2025 and in case he is released on bail, he will not misuse the liberty of bail and will cooperate in the trial.

5. On the other hand, learned A.G.A. vehemently opposed the the prayer for bail of the appellant but does not dispute the case regarding parity.

6. 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.

7. Consequently, the appeal succeeds and is allowed. The impugned order dated 31.01.2026 passed by Additional District & Session Judge/Special Judge (SC/ST Act) Lalitpur in Bail Application No.91 of 2026, is hereby set aside.

8. Let the appellant-**Jaypal Singh**, be released on bail in the aforesaid case crime number on furnishing a personal bond 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.

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

10. 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.)