



2026:AHC:126729

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL APPEAL No. - 2340 of 2026

Nekpal

.....Appellant(s)

Versus

State of U.P. and Another

.....Respondent(s)

Counsel for Appellant(s)	:	A.T. Pandey
Counsel for Respondent(s)	:	Dan Bahadur, G.A.

Court No. - 1

HON'BLE SAMIT GOPAL, J.

1. List revised.

2. Heard Sri A.T. Pandey, learned counsel for the appellant through video conferencing, Sri Dan Bahadur, learned counsel for the opposite party no.2 and Sri Ram Prakash Shukla, learned counsel for the State/O.P. No.1 who are present in Court and perused the record.

3. Learned counsel for the opposite party no.2 submits that although he was granted time vide order dated 28.04.2026 to file counter affidavit but he does not proposes to file any counter affidavit. Thus the Court proceeds to hear the matter.

4. This criminal appeal under Section 14A(2) of SC/ST (Prevention of Atrocities) Act, 1989 has been filed by the appellant Nekpal, with the prayer to allow the appeal and release the appellant on bail in Special Trial No. 108/2025 (Nekpal Vs. State of U.P.) vide Case Crime No. 253/2025, under Sections 333, 115(2), 352, 351(2), 109, 3(5) BNS and Section 3(2)(v) of SC/ST Act, Police Station Civil Lines, District Rampur.

5. The FIR of the matter was lodged on 03.07.2025 by Bablu against the appellant and Ramveer alleging therein that on 02.7.2025 at about 08:30 pm Nekpal in an intoxicated condition came to the house and started hurling abuses and threatened the entire community. On hearing of abuses, his mother aged about 65 years came out and tried to stop him not to do so on which he got agitated and called his brother Ramveer, both the accused then armed with lathi, danda entered in his house and hurled abuses and caste related abuses on his mother and assaulted her with lathi, danda and bricks. She received many injuries. The neighbours intervened and saved her otherwise untoward incident would have taken place. Report be lodged and action be taken.

6. Learned counsel for the appellant submitted that the appellant has been

falsely implicated in the present case. It is submitted that Smt. Kamlesh was medically examined and was found to have received injuries which reads as under:

"1- L/W (3cm X 0.5cm) muscle deep at on forehead K/U/O Advised X-Ray skull AP/LT.

2- L/W (1cm X 0.5cm) at on right forearm 3cm above from right wrist joint.

3- Abrasion (2cm X 1cm) at on right forearm 5cm above from right wrist joint.

4- T/S (3cm X 2cm) at on nose K/U/O Advised X-Ray nose AP/LT C/O pain all over the body.

OPINION-

Above injury 1,2 & 3 simple in nature, fresh in duration, caused by hard and blunt object Above injury 4 are fresh in duration, caused by hard and blunt object K/U/O Advised X-Ray nose AP/LT.

Above injury 1 are K/U/O Advised X-Ray skull AP/LT."

7. It is submitted that a supplementary report after x-ray of injury no.1 and 4 was prepared in which the x-ray skull and nose did not find any abnormality and hence it was opined that both the injuries are simple in nature. It is submitted that thus the injury received by the injured were simple in nature. It is submitted that in the FIR there is an allegation of assault with bricks also but the injured in her statement during investigation does not state so. It is submitted that even with regards to the hurling and caste related abuses, the same was stated to have been done inside the house and thus the allegation therein are concocted. It is further submitted that the FIR states of using lathi, danda and bricks but the injured subsequently in her statement states of use of an iron rod by which she was assaulted, the same is an improvement. It is further submitted that co-accused Ramveer has been granted bail by a co-ordinate Bench of this Court vide order dated 17.12.2025 passed in Criminal Appeal No. 8111 of 2025 (Ramveer Vs. State of U.P. and another), copy of the order is annexed as annexure 2 to the affidavit in support of the appeal. The appellant has no previous criminal history as stated in para 17 of the affidavit and is in jail since 18.07.2025.

8. Per contra, learned counsel for the opposite party no.2 and State opposed the prayer for bail in appeal and submitted that the injured has stated of the appellant assaulting her with an iron rod on her head but the same missed her head and she received injury on her nose and forehead and became unconscious. It is submitted that the implication of the appellant is there in the present case.

9. After having heard learned counsels for the parties and perusing the records, it is evident that the injuries received by the injured have been opined to be simple in nature. The FIR states of assault on the injured by lathi, danda and bricks who in her statement states of assault by an iron rod, the same appears to be an afterthought. Co-accused Ramveer has been granted bail.

10. Looking to the facts and circumstances of this case, the nature of evidence and also the absence of any convincing material to indicate the possibility of tampering with the evidence, this Court is of the view that the appellant may be enlarged on bail.

11. Let the appellant- **Nekpal**, be released on bail in the aforesaid case crime number on 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 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.

12. 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.

13. Accordingly, the appeal succeeds and the same stands **allowed**.

14. The impugned order dated 05.02.2026 passed by Additional Session Judge/Special Judge, SC/ST Act, Rampur is hereby set aside.

(Samit Gopal,J.)

June 11, 2026
M. ARIF