



2026:AHC:124720

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL APPEAL No. - 2419 of 2026

Vikki Yadav

.....Appellant(s)

Versus

State of U.P. and Another

.....Respondent(s)

Counsel for Appellant(s)	:	Om Prakash Yadav
Counsel for Respondent(s)	:	G.A., Shitlesh Pandey

Court No. - 1

HON'BLE MADAN PAL SINGH, J.

1. Heard Sri Om Prakash Yadav, learned counsel for the appellant, Sri Suraj Kumar Prajapati, Advocate holding brief of Sri Shitlesh Pandey, learned counsel for the opposite party no. 2, learned AGA for the State and perused the record.

2. 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 19.04.2025 passed by learned Special Judge SC/ST, Act/Additional Session Judge, Ballia in Bail Application No.129 of 2026 (Vikki Yadav Vs. State of U.P.) arising out of Case Crime No.37 of 2025, under Sections 190, 191(2), 191(3), 118(1), 109, 352, 351(3) BNS and Sections 3(1) Da, 3(1) Dha, 3(2)v, 3(2) va of SC/ST Act, Police Station Ubhaon, District Ballia. , and with a further prayer to release the appellant on bail in the aforesaid case.

4. Learned counsel for the appellant submits that the appellant is innocent and has been falsely implicated in the present case. He has not committed any offence as alleged in the impugned FIR. It is further submitted that the prosecution story is wholly false and fabricated. Learned counsel submits that there are eight named accused persons, including the appellant, along with nine unknown persons, and only a general and omnibus allegation has been levelled against all the accused. No specific role has been assigned to the appellant. As per the prosecution case, the main role has been attributed to co-accused Vijay Yadav.

5. It is further submitted that similarly situated co-accused persons, namely, Ajeet Yadav, Abhai Yadav, Umesh Yadav, and even the main accused, Vijay Yadav, have already been enlarged on bail by the co-ordinate Bench of this Court vide orders dated 18.09.2025, 29.01.2026, 22.09.2025, and

18.09.2025 passed in Criminal Appeal Nos. 4225 of 2025, 951 of 2026, 4223 of 2025, and 4242 of 2025 respectively. Copies of the aforesaid bail orders have been brought on record.

6. Learned counsel further submits that since the similarly placed co-accused persons have already been granted bail, the appellant is also entitled to be released on bail on the ground of parity. It is lastly submitted that the appellant is languishing in jail since 21.01.2025.

7. Per contra, learned counsel for the counsel for the opposite party no. 2 as well as learned AGA for the State opposed the appeal and prayer for bail but could not dispute the fact.

8. After having heard learned counsels for the parties and perusing the records, I have perused the bail order of co-accused and find that the role assigned to the present appellant is almost similar to that of co-accused, who have already been enlarged on bail by the co-ordinate Bench of this Court.

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, this Court is of the view that the appellant has made out a case for grant of bail on the ground of parity. The Court below erred in rejecting the bail application of the appellant.

10 . Let the appellant- **Vikki Yadav** 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.

11. 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.

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

13. The impugned order dated 19.02.2025 passed by Special Judge (SC/ST) Act, Ballia is hereby set aside.

June 2, 2026
Akbar

(Madan Pal Singh,J.)