



2026:AHC:124703

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL APPEAL No. - 2956 of 2026

Arun Kumar Tiwari @ Pappu Pandit

.....Appellant(s)

Versus

State of U.P. and Another

.....Respondent(s)

Counsel for Appellant(s)	:	Ashish Kumar Singh
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 Sri Ashish Kumar Singh, 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 26.02.2026 passed by learned Court of Additional Sessions Judge/Special Judge (S.C./S.T.) Act, Hamirpur in Bail application No. 213 of 2026 (Arun Kumar Tiwari @Pappu Pandit Versus State of U.P.) arising out of Case Crime No. 59 of 2024 under sections 308, 323, 504, 506 of I.P.C. and section 3 (1) (da)/(dha), 3 (2) (Va) of S.C./S.T. Act Police Station-Kotwali Nagar, District-Hamirpur, and with a further prayer to release the appellant on bail in the aforesaid case.
4. As per the prosecution story that on 13.03.2024 at about 11:00 P.M., the present appellant allegedly came to the house of Santosh Kumar and took him to a dera, where a dispute arose regarding the vehicle fare. It is alleged that the appellant abused him in filthy language and committed marpeet, and thereafter the named accused persons along with 3-4 unknown persons assaulted him with lathi, danda and axe, causing serious injuries. Upon receiving information, the Dial-112 police reached the spot and shifted the injured to the hospital. Due to the serious nature of the injuries sustained by him, he was referred to Kanpur Haillet Hospital, where his treatment was going on.
5. Learned counsel for the appellant submitted that in the FIR no specific

role of assault has been assigned to the appellant, and a general and omnibus allegation has been levelled against all the accused persons by assigning them a similar role. It is further submitted that no incriminating article or weapon has been recovered from the possession of the appellant. Learned counsel next contended that although the injured sustained a grievous injury, the same was received on a non-vital part of the body. It is also submitted that the appellant has no criminal history, as stated in paragraph no. 18 of the affidavit filed in support of the bail application, and he is languishing in jail since 09.02.2026.

6. Per contra, learned counsel for the State opposed the appeal and prayer for bail but could not dispute the fact.

7. After having heard learned counsels for the parties and perusing the records, from the perusal of the injury report, it reflects that fracture in nasal bone and fracture seen in mid part of ulna bone has been received by the injured and no specific role has been assigned to any of the accused persons including the appellant.

8. 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 and without considering the merits of the case, this Court is of the view that the appellant may be enlarged on bail.

9. Let the appellant- **Arun Kumar Tiwari @ Pappu Pandit** 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 26.02.2026 passed by Special Judge (SC/ST) Act, Hamirpur is hereby set aside.

June 2, 2026
Akbar

(Madan Pal Singh,J.)