



2026:AHC:125505

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL APPEAL No. - 3325 of 2026

Prakash Shukla

.....Appellant(s)

Versus

State of U.P. and Another

.....Respondent(s)

Counsel for Appellant(s)	:	Anand Mohan Pandey, Tanmay Gupta
Counsel for Respondent(s)	:	G.A.

Court No. - 1

HON'BLE MADAN PAL SINGH, J.

1. Counter affidavit filed on behalf of the State in the Court today is taken on record.
2. Heard learned counsel for the appellant and learned A.G.A. for the State and perused the record. Despite the fact that notice has been served upon opposite party no.2 as per office report dated 26th May, 2026 even in the revised reading of the list.
3. This criminal appeal under Section 14A(2) of SC/ST (Prevention of Atrocities) Act, 1989 has been filed by the appellant-Prakash Shukla with the prayer to set-aside the impugned bail rejection order dated 23rd December, 2025 passed by the Additional Sessions Judge/ Special Judge (S.C./S.T.) Act, Banda in Bail Application No. 1852 of 2025 (Prakash Shukla Vs. State of U.P.), arising out of Case Crime No.94 of 2025 under Sections 191 (2), 127 (2), 308 (3), 308 (5), 115 (2), 352, 351 (3) B.N.S. and Sections 3 (1) (da), 3 (1) (dha) and 3 (2) (V) of S.C./S.T. Act, Police Station-Chilla, District-Banda, with a further prayer to release the appellant on bail in the aforesaid case.
4. The prosecution case in short is that on 11th July, 2025, wife Pintu Soni called the informant and invited him to Lucknow Bye-pass Fatehpur. Pintu Soni, his wife, his brother Bajrangi and two other individuals whose names and addresses are unknown arrived in an auto-rickshaw and asked the informant to board the auto rickshaw. When the informant refused, they forcibly made him sit in the auto rickshaw and brought him to their home in Chilla Town around 9 p.m.. At that very moment, Bajrangi, mentioning the names of Ashu Tiwari and Prakash Shukla (appellant herein), instructed them to search the informant as what had he in his pocket, then, all the four persons searched the informant took away the chain and ring which he were wearing, and approximately 15,000/- rupees was also snatched from the informant which he has kept in his pocket. Bajrangi Soni and Pintu Soni beat the

informant in turn. Pintu Soni then asked the informant for his Google UPI PIN number and transferred Rs. 99,500 multiple times using his wife Mona Soni's phone. On 12th July, 2025, RS. 300 was transferred from informant's mobile's Google Pay to Phone Pay of wife of Pintu Sono and both the brothers, while abusing the informant by caste indicated words and Bajrangi showing a pistol, said that they will leave him only if he gives him Rs. 5,00,000/-. In reply, the informant told them in fear that he has Rs. 4,34,000/- in his account, they can transfer it or withdraw it through ATM but leave him. On 13th July, 2025, Rs. 1,00,000/- was withdrawn and Bajrangi Soni withdrew Rs. 40,000/- from the ATM of the informant in several installments. On 14th July, 2025, Rs. 1,00,000/- and Rs. 40,000/- were withdrawn from ATM. They withdrew a total of Rs. 3,79,800/- and held the informant hostage in a room under their supervision. The informant went to the courtyard on the pretext of urinating and escaped when the informant got the chance. That night, after asking people, the informant went to the Police Station and reported every thing.

5. Learned counsel for the appellant submits that name of the appellant has surfaced in the first information report only, at the time of incident when the one of the accused, namely, Bajrangi Soni has instructed him by his name as Prakash Shukla along with Ashu Tiwari to search the informant as to what had he in possession. Except that, no allegation has been made against the appellant in the statements of witnesses nor his name has surfaced therein. It is further stated that neither anything incriminating has been recovered from the possession of the appellant or his pointing out nor any amount has been transferred to the bank account of the appellant from the bank account of the informant or the Pintu's wife against whom it has been alleged that some money has been transferred from Google pay of the informant to the Phone Pay of wife of Pintu. No test identification parade has been conducted by the Police so that the appellant may be identified by the informant. The entire allegations for the alleged offence has been made against the Pintu Soni, his wife Mona Soni and his brother Bajrangi Soni.

6. On the above premise, learned counsel for the appellant urges that since the appellant is in jail since almost one year having no criminal history, the trial is at an early stage and may take some time for its conclusion, therefore, the appellant is liable to be enlarged on bail.

7. Per contra, Rajeev Pandey, the learned A.G.A. for the State has opposed the appeal and prayer for bail. However, he fairly concedes that no test identification parade has been conducted to recognize the appellant.

8. After having heard learned counsels for the parties and perusing the records, it is evident that the name of the appellant has surfaced in the first

information report only on the basis of calling by one of the accused Bajrangi upon two persons as Ashu Tiwari and Prakash Shukla (appellant herein) to search the informant. Except the above, his name has not surfaced in the statements of the any witnesses recorded under Section 161 Cr.P.C. Neither any incriminating material has been recovered from the possession of the appellant or his pointing out nor any money has been found in the bank account of the appellant, which has been transferred from the bank account of the informant. The entire allegations have been made

9. 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.

10. Let the appellant-Prakash Shukla, 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.

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 23rd December, 2025 passed by the Additional Sessions Judge/ Special Judge (S.C./S.T.) Act, Banda in Bail Application No. 1852 of 2025 (Prakash Shukla Vs. State of U.P.), arising out of Case Crime No.94 of 2025 under Sections 191 (2), 127 (2), 308 (3), 308 (5), 115 (2), 352, 351 (3) B.N.S. and Sections 3 (1) (da), 3 (1) (dha) and 3 (2) (V) of S.C./S.T. Act, Police Station-Chilla, District-Banda is set aside.

June 4, 2026
Sushil/-

(Madan Pal Singh,J.)