



2026:AHC:125291

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL APPEAL No. - 470 of 2026

Anoop Kumar @ Pradeep Yadav

.....Appellant(s)

Versus

State of U.P. and Another

.....Respondent(s)

Counsel for Appellant(s)	:	Prashant 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 Prashant 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 05.12.2025 passed by learned Special Judge (SC/ST (P.A.) Act, 1989), Kanpur Nagar in Criminal Misc. Bail Application No. 4775 of 2025 (Anoop Kumar @ Pradeep Yadav Vs State of U.P.), arising out of Case Crime No. 184 of 2025, under Section 109 (1) of BNS and Section 3(2)5 of SC/ST P.A. Act, 1989, P.S. Bidhnoo, District Kanpur Nagar and with a further prayer to release the appellant on bail in the aforesaid case.
4. As per the prosecution story that on 08.08.2025 at about 08:00 PM, accused Pradeep Yadav along with certain unknown persons assaulted Jitendra Kori son of the complainant, with the intention of causing his death. The accused persons mercilessly beat the injured and inflicted severe injuries on his face, neck, and other parts of his body. During the assault, one of his eyes was grievously damaged, his mouth was badly torn, and he sustained multiple serious injuries.
5. Learned counsel for the appellant primarily submitted that the injured, who is the son of the complainant, was employed as a driver of an auto-rickshaw owned by the appellant. It is contended that, owing to certain disputes, the injured subsequently refused to drive the appellant's auto-rickshaw, and as a result, the present prosecution story has been falsely

concocted by the informant.

6. It is further submitted that the primary medical report relating to the injuries sustained by the injured have not been brought on record. The injury report available on record, issued by Utkarsh Hospital & Maternity Home, Kanpur Nagar, indicates that the injured sustained five injuries, all of which are described as stitched wounds, including injuries on the right eyebrow and the lower aspect of the chin. Learned counsel submits that the injuries are consistent with those that could have been sustained in an accident or due to a fall. Learned counsel next argued that, considering the nature of the injuries reflected in the medical report, no offence under Section 109(1) of the BNS is made out against the appellant. It is also submitted that the appellant has no criminal antecedents, as stated in paragraph no. 26 of the affidavit filed in support of the bail application, and that he has been languishing in jail since 14.08.2025.

7. Per contra, learned counsel 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 the nature of injuries reflected in the medical report, the absence of the primary injury report, the fact that the appellant has no criminal antecedent, 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- **Anoop Kumar @ Pradeep 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.

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 05.12.2025 passed by Special Judge (SC/ST) Act, Kanpur Nagar is hereby set aside

June 4, 2026
Akbar

(Madan Pal Singh,J.)