



2026:AHC:125293

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL APPEAL No. - 1352 of 2026

Indrawati Devi

.....Appellant(s)

Versus

State of U.P. and Another

.....Respondent(s)

Counsel for Appellant(s)	: Dharmendra Kumar Shukla, Raghuvansh Misra
Counsel for Respondent(s)	: G.A., Nilesh Kumar Dubey, Shashi Shekhar Maurya

Court No. - 1

HON'BLE MADAN PAL SINGH, J.

(1) Heard Sri Ashwani Tripathi and Sri Sudhanshu Dwivedi, advocates holding brief of Sri Raghuvansh Misra, learned counsel for the appellant, Sri Ram Jaiswal, Advocate holding brief of Sri Shashi Shekhar Maurya, learned counsel for the State and perused the record.

(2) This criminal appeal under Section 14-A(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 19.12.2025 passed by Special Judge (SC/ST) Act, Gorakhpur in Bail Application No. 5946 of 2025 (Indrawati Devi Vs. State of U.P.) arising out of Case Crime No. 576 of 2025, under Sections 103(1), 109, 351(2), 352 of B.N.S. and Section 3(2)(v), 3(1)(da), 3(1)(dha) of SC/ST Act, Police Station Chauri Chaura, District Gorakhpur and with a further prayer to release the appellant on bail in the aforesaid case.

(3) The prosecution case, in brief, is that the first information report was lodged by Phoolmati Devi on 13.11.2025 alleging that her father-in-law Ram Gopal Paswan had taken/purchased one acre of land situated at Jungle Mathiya in the year 2004 and was in possession thereof. It is alleged that on 13.11.2025 at about 10:00 a.m., co-accused Sonu Singh, Roshan Singh and the appellant Indrawati Devi came to the disputed land with a tractor for harvesting the paddy crop. When Ram Gopal Paswan and his family members, namely Markandeya, Vipin and Akhilesh, objected to the harvesting, the accused persons allegedly abused them by using caste-related remarks and threatened them. Thereafter, Roshan Singh allegedly drove the tractor over Ram Gopal, Markandeya, Vipin and Akhilesh with the intention to kill

them, causing serious injuries. Vipin Kumar subsequently succumbed to the injuries sustained in the incident during treatment. After investigation, charge-sheet has been submitted against the appellant and co-accused persons under the aforesaid sections.

(4) Learned counsel for the appellant submits that the appellant is a woman and has been falsely implicated on account of a long-standing dispute relating to ownership and possession of the agricultural land in question. It is contended that even according to the F.I.R. and the statements of the informant and eye-witnesses recorded during investigation, the specific role of driving the tractor and running over the deceased and injured persons has been assigned exclusively to co-accused Roshan Singh. The only allegation against the appellant is that she was standing at some distance and exhorting. It is further submitted that the appellant was in lawful possession of her share of the disputed land pursuant to the partition proceedings and demarcation conducted by the revenue authorities and several independent witnesses examined during investigation have supported her possession.

(5) Learned counsel further submits that the true genesis of the occurrence has been suppressed by the prosecution. The appellant herself sustained injuries during the incident, which remain unexplained by the prosecution. Prior to the lodging of the present F.I.R., the appellant had submitted written complaints to the police authorities alleging assault upon her and misbehaviour with her daughter by members of the informant side and had also approached the Sub-Divisional Magistrate seeking intervention in view of apprehended breach of peace regarding the disputed land. It is submitted that the present prosecution has been instituted as a counterblast to the earlier complaints made by the appellant. The appellant has no criminal antecedents, is in judicial custody since 15.11.2025, the investigation stands concluded and charge-sheet has already been submitted. There is no likelihood of the appellant absconding or tampering with the evidence.

(6) Per contra, learned A.G.A. as well as learned counsel for the opposite party no.2 opposed the appeal and prayer for bail and submitted that the appellant actively participated in the occurrence by exhorting the co-accused persons and had the appellant not exhorted the co-accused, the incident would not have taken place. It is further submitted that one person lost his life and other persons sustained injuries in the occurrence and, therefore, the appellant is not entitled to be enlarged on bail.

(7) After having heard learned counsels for the parties and perusing the record, it appears that the occurrence had taken place in the backdrop of a long-standing dispute relating to ownership and possession of the land in question. The specific role of running over the deceased and injured persons by tractor has been assigned to co-accused Roshan Singh, whereas the role attributed to the present appellant is of exhortation. It further appears that revenue proceedings had already taken place between the parties and material has been brought on record indicating that the appellant was asserting her claim over the disputed land. The appellant is a woman having no criminal history and is languishing in jail since 15.11.2025. Considering the nature of allegations, the role assigned to the appellant, the facts and circumstances of the case and without expressing any opinion on the merits of the case, this Court is of the view that the appellant has made out a case for bail.

(8) Let the appellant-**Indrawati Devi** 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 19.12.2025 passed by Special Judge (SC/ST) Act, Gorakhpur is hereby set aside.

June 4, 2026

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(Madan Pal Singh,J.)