



2026:AHC-LKO:19538

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

CRIMINAL APPEAL No. - 3513 of 2025

Virendra Yadav

.....Appellant(s)

Versus

State Of U.P. Thru. Prin. Secy. Deptt. Of Home Lko. And
Another

.....Respondent(s)

Counsel for Appellant(s)	:	Nisha Devi, Ajai Kumar Shukla
Counsel for Respondent(s)	:	G.A.

Court No. - 28

HON'BLE PRAMOD KUMAR SRIVASTAVA, J.

In view of the report, service of notice upon Opposite Party No. 3 is deemed to be sufficient by way of substituted service through his father.

(Crl. Misc. Application No.2 of 2025)

Heard learned counsel for the appellant and learned AGA for the State as well as perused the record.

The present criminal appeal under Section 14-A (2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act has been preferred against the impugned order dated 10.09.2025 passed by the Special Judge (SC/ST Act), Pratapgarh in Bail Application No. 2633/2025, in Case Crime No. 112/2025, under Sections 191(2), 191(3), 190, 109(1), 352, 351(3) of BNS and Section 3(1)(da), 3(1)(dha), 3(2)(va), 3(2)(v) of SC/ST Act, Police Station Maheshganj, District Pratapgarh, whereby the bail application of the appellant has been rejected.

Learned counsel for the appellant submits that the appellant has falsely been implicated in the present case. He further submits that as per the medical report, only one injury was found on the ankle of the injured, and the specific role of firing the detrimental shot was attributed solely to co-accused Imran. He next submits that no specific role of firing or causing injury has been assigned to the present appellant, and no firearm was recovered from his possession or on his pointing out. He further submits that while a four-wheeler (Swift Dzire) was allegedly recovered, the appellant denies ownership of the same. He next submits that the appellant's criminal history has been duly explained in the affidavit, noting he is already on bail in those matters. He further submits that the appellant has been languishing in jail since 05.06.2025. It is further submitted that on the ground of parity, the appellant is entitled to bail as co-accused Sunil Saroj @ Monu @ Annu was enlarged on bail by a coordinate Bench of this Hon'ble Court on 10.10.2025 in Criminal Appeal No. 3282 of 2025, and co-

accused Dharmendra Saroj Urf Nanhu was granted bail on 19.02.2026 in Criminal Appeal No. 26 of 2026. He further submits that in case the appellant is enlarged on bail, he shall not misuse the liberty of bail and shall fully cooperate with the trial.

For the aforesaid reasons, learned counsel for the appellant submits that the instant criminal appeal deserves to be allowed and the impugned order dated 10.09.2025 may be set aside and consequently, the appellant deserves to be enlarged on bail.

Per contra, the learned A.G.A. has opposed the prayer for bail by submitting that the appellant, along with other co-accused, is involved in a serious offence where the victim sustained a firearm injury. However, he has been unable to dispute the factual submissions regarding parity, as co-accused Sunil Saroj @ Monu @ Annu and Dharmendra Saroj @ Nanhu have already been granted bail by this Court despite similar roles assigned. Furthermore, he cannot dispute the medical observations and CCTV footage which indicate that the specific role of firing the detrimental shot was attributed solely to co-accused Imran, rather than the present appellant.

Considering the submissions of learned counsel for the parties and after perusal of material available on record, it transpires that only one injury was caused to the ankle of the injured. No specific role of firing or causing injury has been assigned or attributed to the present accused-appellant. The criminal history of the appellant has been explained, noting that he is already on bail in those matters. The appellant has been languishing in jail since 05.06.2025. Without expressing any opinion on merit, this Court is of the view that the learned court below has failed to appreciate the material available on record; thus, the order passed by the court below is liable to be set aside.

Accordingly, the appeal is **allowed**. Consequently, the impugned order dated 10.09.2025 passed by the Special Judge (SC/ST Act), Pratapgarh in Bail Application No. 2633/2025 is hereby set aside.

Let the appellant- **Virendra Yadav** be released on bail in the aforesaid case crime number on his furnishing a personal bond and two sureties each in the like amount to the satisfaction of the court concerned, subject to following additional conditions:

- (i) The appellant shall cooperate with the prosecution during trial.
- (ii) The appellant shall not tamper with the evidence during trial.
- (iii) The appellant shall not pressurize/intimidate the prosecution witness(s).
- (iv) The appellant shall not commit an offence.
- (v) The appellant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case.

(vi) The appellant shall remain present before the trial court on each date fixed.

(vii) The appellant shall not seek any adjournment when witnesses are present. (viii)
The appellant shall remain present, in person, for recording of statement under Section 313 Cr.PC., if required.

In case of default of above conditions, it shall be open for the trial court to treat it as abuse of liberty of bail and pass orders in accordance with law.

March 18, 2026
Haseen U.

(Pramod Kumar Srivastava,J.)