



2025:AHC:178922

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL APPEAL No. - 4598 of 2023

Rambahadur

.....Appellant(s)

Versus

State of U.P. and Another

.....Respondent(s)

Counsel for Appellant(s)	:	Sushil Kumar Dubey
Counsel for Respondent(s)	:	G.A., Rudra Pratap Pandey

Court No. - 87

HON'BLE ANIL KUMAR-X, J.

1. Heard learned counsel for appellant, Shri Rudra Pratap Pandey, learned counsel for the informant and learned AGA for the State.
2. This criminal appeal under Section 14-A(2) of The Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989 has been preferred by the appellant with a prayer to allow the appeal, set aside the bail rejection order dated 30.9.2022 passed by Special Judge, SC/ST (P.A.) Act, Court No.2, Etawah, and to release the appellant on bail in Case Crime No. 115 of 2022, under Sections 302/34 IPC and Section 3(2)(5) SC/ST Act, Police Station Saifai, District Etawah.
3. Allegation in the first information report is that deceased-Ram Kishan was caught hold by accused Janved and was assaulted by the appellant-Rambahadur, who was armed with an axe. It has also been mentioned in the FIR that at the time of occurrence, a witness Sunhari was accompanying the deceased.
4. Learned counsel for the appellant has submitted that the appellant is innocent and has been falsely implicated in this case. FIR was lodged after the incident was disclosed by Sunhari, who is alleged to be an eye witness of this case. It has been alleged in the FIR that both the accused persons, i.e, appellant-Rambahadur and Janved, were holding axe and have assaulted in the furtherance of their common intention. It was further submitted that when statement of Sunhari was recorded by the I.O., he stated that deceased Ram Kishan was caught hold by Janved and was

assaulted by appellant-Rambahadur. It is apparent that version of the first information report and the statement of eye witness is totally different. Appellant is languishing in jail since 18.7.2022. Another co-accused Janved has been granted bail by this Court vide order dated 2.5.2023 in Criminal Appeal No.7637 of 2022 (Janved vs. State of U.P. & Anr.). It was submitted that the impugned order rejecting the bail application of the appellant suffers from infirmity and illegality warranting interference by this Court. In such circumstances, the appellant is entitled to bail.

5. Learned A.G.A. and the learned counsel appearing for the informant have vehemently opposed the prayer for bail and have submitted that the main role was assigned to the present appellant. There is also certain land dispute between the parties and the land of the deceased is still in the illegal possession of the appellant. Therefore, the appellant is not entitled to bail.

6. I have considered the rival submissions so made and have gone through the entire record.

7. Having regard to the facts and circumstances of the case, keeping in view the nature of the offence, evidence, complicity of the accused, and considering the period of incarceration, the Court is of the opinion that the appellant has made out a case for bail.

8. Accordingly, the appeal is **allowed** and the impugned order rejecting the bail application of the appellant is set-aside. Pending application, if any, shall stand disposed of.

9. Let the appellant- **Rambahadur** involved in the aforesaid case be released on bail on furnishing a personal bond and two sureties each in the like amount to the satisfaction of the court concerned subject to following conditions. Further, before issuing the release order, the sureties be verified.

(i) The appellant will not tamper with the evidence during the trial.

(ii) The appellant will not pressurize/ intimidate the prosecution witness.

(iii) The appellant will appear before the trial court on the date fixed,

unless personal presence is exempted.

(iv) The appellant shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected.

(v) The appellant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

10. In case of breach of any of the above conditions, the court concerned shall be at liberty to take appropriate coercive action for appearance of the accused or to cancel the bail granted.

(Anil Kumar-X,J.)

October 8, 2025
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