



2025:AHC-LKO:85452

Neutral Citation No. -
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**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

CRIMINAL APPEAL No. - 395 of 2025

Budhiram Alias Karam Raj

.....Appellant(s)

Versus

State of U.P. Thru. Prin. Secy. Home Lko. and another

.....Respondent(s)

Counsel for Appellant(s)	: Anil Kumar Yadav, Arpit Singh, Rajesh Kumar Shukla, Somdutta Singh
Counsel for Respondent(s)	: G.A.,

Court No. - 28

HON'BLE PRAMOD KUMAR SRIVASTAVA, J.

(C.M.Application No. 1/2025)

1. As per Office Report dated 27.10.2025, notice has been served personally upon opposite party No.2, but none has appeared on his behalf, even in the revised call.
2. Heard learned counsel for the appellant as well as learned A.G.A. for the State and perused the record.
3. The present criminal appeal under Section 14-A (2) Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (herein after referred to as "Act, 1989) has been preferred against the impugned

order dated 13.01.2025 passed by the court of Special Judge, S.C./S.T. Act, Pratapgarh, whereby the **second anticipatory bail application No.3808 of 2024**, arising out of Case Crime No. 0148/2021, under Sections 306, 323, 504, 506 I.P.C and Section 3(1) DA, 3(1) DHA, 3(2) V, 3 (2) VA S.C./S.T. Act, Police Station, Lalganj, District Pratapgarh has been rejected.

4. Learned counsel for the appellant/applicant submits that the complainant Ram Wati Devi is an illiterate lady belongs to the Scheduled Caste category (Passi) while appellant-accused belongs to backward class.

5. Learned counsel for the appellant/applicant further submits that on 30.05.2020 at about 9.30 p.m. complainant's son, Karan Saroj went to trace his boogi horse, but he did not return in the night till 10.00 p.m., then the complainant along with other family members moved to trace him, but could not find. On 31.05.2020, it came to her knowledge that the dead body of Karan Saroj was lying adjacent to a "Neem" tree. When the complainant and her family members reached the spot, they saw a black mark on the neck of the deceased, which appeared to indicate that someone had fastened a rope around his neck and committed his murder. At that time, the complainant's husband had gone to work as a labourer at a brick kiln. It is also alleged in the complaint that the appellant-accused along with other co-accused in furtherance of common intention had committed murder of the deceased. It is also alleged that two to three months prior to the alleged incident, the appellant-accused had moved an application against the deceased, alleging that Karan Saroj had an illicit relationship with his daughter. Due to this, the appellant-accused felt insulted and, as a result, committed the present offence.

6. Learned counsel for the appellant submits that appellant-accused is innocent and has falsely been implicated in the present case. No such incident took place, as alleged by the complainant in the F.I.R. It is also submits that entire prosecution story is concocted and no case under

Sections 306, 323, 504, 506 I.P.C and Section 3(1) DA, 3(1) DHA, 3(2) V, 3 (2) VA S.C./S.T. Act is made out against the appellant-accused.

7. Per contra learned A.G.A. for the State submits that the case belongs to the SC/ST Act, therefore, application for anticipatory bail is barred under Section 18 of the SC/ST Act and the learned court below has rejected the application for anticipatory bail, recording a finding that the appellant-accused had hurled caste-based abuses at the deceased, beaten him, and threatened to kill him, thereby instigating him to commit suicide; and that, as per the post-mortem report, the death of the deceased was due to ante-mortem injury resulting in asphyxia. There is no illegality or perversity in the impugned order.

8. Learned A.G.A. for the State next submits that there is no jurisdiction of anticipatory bail in the cases of SC/ST Act and submits that the prayer for bail of appellant may be rejected. In support of his contention, he has placed reliance on paragraph no. 6 of the latest judgment of three judges Bench of Hon'ble Apex Court in the case of **Kiran Vs. Rajkumar Jivraj Jain and another reported in 2025 SCC Online SC 1886**, which reads as under : -

"6. In light of the parameters in relation to the applicability of Section 18 of the Act emanating from afore-discussed various decisions of this Court, the proposition could be summarised that as the provision of Section 18 of the Scheduled Caste and Scheduled Tribes, Act, 1989 with express language excludes the applicability of Section 438, Cr.P.C., it creates a bar against grant of anticipatory bail in absolute terms in relations to the arrest of a person who faces specific accusations of having committed the offence under the Scheduled Caste and Scheduled Tribe Act. The benefit of anticipatory bail for such an accused is taken off. "

9. On perusal of the materials on record it appears that the complainant belongs to the Scheduled Caste category (Passi) while appellant-accused belongs to backward class. As per F.I.R. the appellant and other co-accused persons threatened, hurled caste-based abuses at the deceased, beaten him, and threatened that “.....उक्त चारों लोग प्रार्थिनी के लड़के करन सरोज व परिवार वालों से रंजिश रखने लगे तथा आये दिन

धमकी व गाली देने लगे कि पासी साले की हत्या कर देंगे या किसी से करवा देंगे जिसे कोई नहीं जान पायेगा.....”.Thus looking into the averments made in the F.I.R. and the material collected by the Investigating Officer, statements recorded during the investigation after considering the arguments made at the bar and in view of the law laid down by Hon'ble Apex Court, this court is of the view that the order dated 13.01.2025 passed by the court of Special Judge, S.C./S.T. Act, Pratapgarh, does not suffer from any irregularity or illegality. Thus, the impugned order dated 13.01.2025 does not need any interference by this Court.

10. In view of above, second anticipatory bail application **C.M.Application No. 1/2025**) of the appellant is rejected.

11. Consequently, the appeal is **dismissed**.

12. It is clarified that the observations, if any, made in this order are strictly confined to the disposal of the prayer for bail/appeal and must not be construed to have any reflection on the ultimate merit of the case.

(Pramod Kumar Srivastava,J.)

December 16, 2025

Arvind