2026:AHC:211360

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL APPEAL No. - 4706 of 2026

Manoj Alias Manohar

.....Appellant(s)

Versus

State of U.P. and Another

.....Respondent(s)

Counsel for Appellant(s)	:	Madan Singh
Counsel for Respondent(s)	:	G.A., Rakesh Kumar Verma

Court No. - 74

HON'BLE SAMIT GOPAL, J.

1. List revised. This matter is listed at Item No. 216 of Daily Cause List and has been taken up on a mention made by learned counsel for the appellant that the same is with prayer for anticipatory bail and thus the matter be taken up.

2. Heard Sri Madan Singh, learned counsel for the appellant, Sri Krishnanand Singh, Advocate, holding brief of Sri Rakesh Kumar Verma, learned counsel for the opposite party no.2/first informant and Sri Ajay Singh, learned A.G.A.-I for the State and perused the record.

3. Counter affidavit dated 25.5.2026 of the State is on record. Counter affidavit dated 2.7.2026 of the opposite party no. 2 to which rejoinder affidavit dated 10.7.2026 are on record.

4. This criminal appeal under Section 14A(2) of SC/ST (Prevention of Atrocities) Act, 1989 has been filed by the appellant- Manoj alias Manohar with the following prayers:-

"It is, therefore, Most Respectfully prayed that this Hon'ble Court may graciously be pleased to set-aside the impugned order dated 29.10.2025 passed by the learned Special Judge (SC/ ST) Moradabad in First Anticipatory Bail Applciation No.3766 of 2025 "Manoj alias Manohar Versus State of U.P." in Case Crime no.199 of 2025 under Sections 109, 117(2), 115(2), 352, 351(2), 351(3) B.N.S. and Section 3(1)da, 3(1)dha, 3(2)(Vth) SC/ ST. Act Police Station Kundarki, District Moradabad otherwise the appellant shall suffer irreparable loss and injury.

It is further prayed that this Hon'ble Court may graciously be pleased to grant the Anticipatory Bail to the accused/appellant directing the concerned Station House Officer/Investigating Officer of Police Station Kundarki, District Moradabad to release him on bail in the event of his arrest in Case Crime No. 199/2025 under Sections 109, 117(2), 115(2),

352, 351(2), 351(3) B.N.S. and Section 3 (1) द, 3 (1)घ. 3 (2) (V) S.C./ S.T. Act, Police Station Kundarki, District Moradabad till the conclusion of trial otherwise the applicant shall suffer irreparable loss and injury."

5. The FIR of the matter was lodged on 30.6.2025 by Vijendra Singh against the appellant and Smt. Manju, alleging therein that on 29.6.2025 at about 07:30 p.m. he was going to the house of village Pradhan wherein on the way the appellant who is of criminal nature, had hit him from behind by motorcycle and when he complained to him about it, the appellant assaulted him badly with kicks and fists due to which his two teeth were broken and fell down and in the meantime, Manju the wife of the appellant assaulted him with danda due to which he received injuries.

6. Learned counsel for the appellant submitted that the appellant has been falsely implicated in the present case. It is submitted that no such incident whatsoever has taken place. It is submitted that initially the appellant and his wife Manju has filed a Criminal Misc. Writ Petition No. 17662 of 2025, Manju and another vs. State of U.P. and others, before this Court in which a Division vide order dated 28.8.2025 directed that in the event of the petitioners therein appear before the concerned court within 60 days and apply for bail, the same shall be considered and decided in view of certain case laws mentioned therein and for a period of 60 days stayed coercive action against them, para-23 and annexure no. 8 being the copy of said order dated 28.8.2025, of the affidavit have been placed before the Court for the same. It is submitted that investigation in the matter has concluded and charge sheet has been submitted against the applicant, after which the court concerned has taken cognizance and summoned the appellant and Smt. Manju vide order dated 01.12.2025 passed by Special Judge S.C./S.T. (P.A.) Act, Moradabad. The same is annexed as Annexure No. S.A.-1 to the supplementary affidavit dated 30.07.2026. It is submitted that the injuries as received by the informant were as a result of fall and the allegation that he was assaulted by lathi does not, in any manner, corroborates with the injuries received by him. Further it is submitted that the appellant is involved in six other cases, description and explanation of two cases have been given in para-26 and 27 of the affidavit filed in support of anticipatory bail application in appeal and further four cases have been disclosed and explained in para-5 to 8 of the supplementary affidavit dated 17.08.2026. It is submitted that the present appeal be allowed and the appellant be released on anticipatory bail.

7. Per contra, learned counsel for the opposite party no.2 and State opposed the appeal and prayer for bail.

8. After having heard learned counsels for the parties and perusing the records, it is evident that in the present case the appellant is alleged to have hit the first informant from motorcycle from behind due to which he received injuries. He was then assaulted by the appellant and his wife on making a complaint about it to them.The injuries as received by the first

informant corroborate with the prosecution case. Charge sheet has been filed on which the court concerned has cognizance and summoned the appellant. The appellant has criminal history of six cases also.

9. In view of the same, no case for anticipatory bail is made out. Accordingly, the present appeal stands rejected.

10. Pending application(s), if any, stands disposed of.

(Samit Gopal,J.)

October 8, 2026
Naresh

Digitally signed by :-
NARESH KUMAR
High Court of Judicature at Allahabad