HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL APPEAL No. - 9421 of 2026

Lalu And 3 Others

.....Appellant(s)

Versus

State of U.P. and Another

.....Respondent(s)

Counsel for Appellant(s)	:	Vaibhav Gupta
Counsel for Respondent(s)	:	Sanjeev Kumar Khare, G.A.

Court No. - 91

HON'BLE SANTOSH RAI, J.

1. Heard learned counsel for the appellants, learned counsel for opposite party no.2 and learned A.G.A. for the State and perused the record.

2. The present appeal has been filed under Section 14A(1) of S.C. & S.T. Act by the appellants challenging the summoning order dated 21.07.2026 passed by Additional District & Sessions Judge/Special Judge (S.C.& S.T.) Act, Mahoba in complaint no.91 of 2025 (Amit Verma vs. Lalu and others), under Sections 115(2), 352, 351(2) B.N.S. and Section 3(1)(d), 3(1)(dha), 3(2)(va) S.C. & S.T. Act, P.S. Khanna, District Mahoba.

3. Tersely, as per prosecution case, on 06.04.2025, at about 10:00 p.m., while returning home after threshing wheat, the complainant stopped to listen to Devi Geet/Bhajan being performed near the residence of appellant No.1, Lalu. When he was questioned about sitting on the carpet (dari), he replied that others were also seated there. Thereupon, Lalu allegedly abused and humiliated him by using caste-based derogatory words in public place and asked him to sit below. When the complainant objected, Lalu, Bodhi alias Ram Singh, Pankaj and Anurag appellants herein allegedly assaulted him with lathis and sticks, causing him to fall to the ground and sustain injuries. The complainant further alleged that the incident occurred due to previous enmity. It has been stated in the complaint that Lalu threatened the complainant and his family with dire consequences if they reported the incident to the police. Approximately 40 minutes later, Lalu allegedly arrived at the complainant's house carrying a double-barrel gun and reiterated the threats.

4. Briefly,the grounds of the appeal are that the impugned summoning order dated 21.07.2026 has been passed without proper application of judicial mind, despite the earlier dismissal of the complainant's application under Section 173(4) BNSS. The complaint is alleged to have been filed with mala fide intention to harass the appellants, and the impugned order is based on conjectures and surmises without proper appreciation of the material on record and the law laid down by the Hon'ble Supreme Court.

5. Learned counsel for the appellants submits that the alleged incident took place on 06.04.2025, whereas the application under Section 173(4) B.N.S.S. was moved on 19.04.2025 without disclosing the date on which opposite party No.2 approached the In-charge Officer of the Police Station for registration of the case. It is further submitted that the complaint was initially rejected by the learned Special Judge (SC/ST Act) on 05.07.2025, whereafter opposite party No. 2 filed a fresh complaint on the same facts under Section 210 B.N.S.S. The appellants contend that they have been falsely implicated and that opposite party No. 2 sustained injuries after falling from his motorcycle while riding in an intoxicated condition. It is further submitted that the learned court below failed to properly appreciate the facts and circumstances of the case while proceeding against the appellants.

6. Learned counsel for opposite party No.2 and learned A.G.A. for the State submit that the complaint is duly corroborated by the statement of the first informant recorded under Section 223 B.N.S.S. and the statements of witnesses Balveer, Ratiram and Vanshgopal recorded under Section 225 B.N.S.S., who have supported the prosecution version. It is further submitted that opposite party No.2 sustained six injuries in the alleged incident and was medically examined at District Hospital, Mahoba, on 09.04.2025.Therefore, the proceedings initiated against the appellants do not warrant interference.

7. The complainant/injured has sustained following injuries:-

> *"1. 6 × 4 cm in multiple abrasion wounds in back and neck region with swelling.*
> *2. 3 × 3 cm abrasion wound in right shoulder region with pain.*
> *3. 5 × 2 cm abrasion wound in left shoulder region with pain.*
> *4. 6 × 3 cm swelling in low back region.*

5. 4 × 2 cm abrasion wound in right hip joint.
6. 5 × 3 cm contusion wound in right thigh region."

8. In the complaint, four accused persons, namely Lalu, Bodhi alias Ram Singh, Pankaj and Anurag, are named. It is alleged that during a Devi Geet function held at the residence of appellant No.1,Lalu, the complainant/victim was seated on a carpet (dari). Appellant No.1 questioned his presence there, and upon the complainant's reply that others were also seated on the carpet, he hurled caste-based abuses at him. Thereafter, all the accused appellants allegedly assaulted the complainant, causing injuries. The complaint further alleges that the incident occurred due to previous enmity. During the course of the inquiry, the complainant's statement was recorded under Section 223 of the BNSS, wherein he specifically attributed the acts of hurling caste-based abuses and assault to the accused appellants, thereby delineating their respective roles and involvement in the alleged incident. The allegations in the complaint are corroborated by the statements of witnesses Balbir, Rati Ram and Vanshgopal, recorded under Section 225 BNSS. The injury report reveals that the injured sustained six simple injuries, approximately two days old. The statements of the witnesses also corroborate the medical evidence. At the stage of taking cognizance/summoning, the Court is not required to meticulously examine the evidence or conduct a mini-trial. The Court is only required to ascertain whether a prima facie case is made out against the accused. From perusal of the averments as stated in the complaint, medical evidence, statements of the injured and witnesses, it appears that prima facie case is made out against the appellants. Learned trial court has rightly taken cognizance and summoned the appellants.

9. Consequently, this Court finds no illegality, perversity or infirmity in the impugned summoning order dated 21.07.2026 passed by Additional District & Sessions Judge/Special Judge (S.C.& S.T.) Act, Mahoba warranting interference by this Court. The appeal is, accordingly, **dismissed**. The impugned order is affirmed.

10. Learned counsel for the appellants submits that the appellants have not been enlarged on bail.

11. In view of above submission, the appellants are directed to appear/surrender before the court concerned and move regular bail application, within two weeks from today. It is also made clear that no time

extension application shall be moved before this Court by the appellants.

12. In case, the appellants move bail application before the court concerned, the same shall be considered and decided by the trial court expeditiously and preferably on the same day, in light of principles laid down by the Supreme Court and by this Court regarding surrender and bail.

13. In case, the appellants fail to appear before the court concerned within the stipulated period, the trial court will be at liberty to adopt appropriate coercive proceedings, in accordance with law, for securing the presence of the appellants.

October 29, 2026
Asha

(Santosh Rai,J.)

Digitally signed by :-
ASHA
High Court of Judicature at Allahabad