2026:AHC:209351

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL APPEAL No. - 10224 of 2026

Sunil Kumar Yadav And Another

.....Appellant(s)

Versus

State of U.P. and Another

.....Respondent(s)

Counsel for Appellant(s)	:	Saddam Husain, Zainuddin
Counsel for Respondent(s)	:	G.A.

Court No. - 91

HON'BLE SANTOSH RAI, J.

1. Ms. Anis Lata Srivastava has entered appearance on behalf of opposite party no.2 and undertakes to file her vakalatnama in the registry during the course of the day.

2. Heard Sri Zainuddin, learned counsel for the appellants/applicants, learned counsel for opposite party no.2 and learned AGA for the State.

3. The present criminal appeal has been filed by the appellants with a prayer to set aside the charge-sheet no.108 of 2008 dated 23.8.2008, the impugned cognizance/summoning order dated 29.8.2008 as well as the non-bailable warrant dated 5.6.2013 issued by Special Judge (SC/ST Act), Jaunpur in Special Session Trial No.05 of 2011 (Case No.2042 of 2008) (State vs. Sunil), arising out of Case Crime No.385 of 2008, under Sections 323, 504, 506 IPC and Section 3(1)(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, P.S.- Sikrara, District- Jaunpur.

4. After some argument in the matter, learned counsel for the appellants submits that he does not want to press the prayer for setting aside the impugned cognizance/summoning order dated 29.8.2008. Learned counsel for the appellant further undertakes that the appellants will appear before the court concerned and shall move bail application before the court concerned, within a period of two weeks from today. Thus, the relief as prayed in this appeal is hereby rejected accordingly.

5. Learned counsel for the appellants further submits that the appellants

had earlier been enlarged on bail in the present case. The trial court shall, however, be at liberty to verify the aforesaid fact and ascertain as to whether the appellants had, in fact, earlier been enlarged on bail in the present case.

6. Considering the facts and circumstances of the present case, the appellants are directed to appear before the court concerned and move 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.

7. 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 in the case of **Satender Kumar Antil vs. Central Bureau of Investigation & Anr. (2022) 10 SCC 51** regarding surrender and bail.

8. 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.

9. With the aforesaid directions, the appeal is, accordingly, disposed of.

10. Registrar (Compliance) is directed to serve a copy of this order by FAX/e-mail to the court concerned through District & Sessions Judge concerned within 48 hours.

(Santosh Rai,J.)

October 7, 2026
RA

Digitally signed by :-
RAZIQ ALI
High Court of Judicature at Allahabad