



2026:AHC:63029

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL APPEAL No. - 991 of 2026

Nitesh Pandey

.....Appellant(s)

Versus

State of U.P. and Another

.....Respondent(s)

Counsel for Appellant(s)	:	Hare Ram Pandey
Counsel for Respondent(s)	:	Brajesh Kumar Singh, G.A.

Court No. - 50

HON'BLE SHEKHAR KUMAR YADAV, J.

1. Heard Mr. Hare Ram Pandey, learned counsel for the appellant and learned AGA as well as perused the entire record.
2. The present criminal appeal under Section 14-A(2) Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act has been filed by the appellant - **Nitesh Pandey** to set aside the bail rejection order dated 18.12.2025 passed by Special Judge SC/ST Act, Kushinagar at Padrauna in Bail Application No.3512 of 2025 arising out of Case Crime No.425 of 2020, under Sections 323, 504, 506, 406, 420 of IPC and Section 3(1)d, dha of SC/ST Act, P.S.- Tarya, District- Kushinagar with a further prayer to enlarge the appellant on bail in the aforesaid case.
3. Learned counsel for the appellant submits that the appellant is innocent and has been falsely implicated in this case. The applicant has not committed any offence as alleged in the impugned FIR. He further submits that the alleged incident took place on 21.3.2020 and the impugned FIR was lodged on 19.10.2020 at about delay of seven months and there is no explanation for the said delay. He submits that it is admitted that the the visa was genuine. He further submits that neither the applicant has received money nor provide any ticket or visa to the informant and neither the applicant nor his father has threatened or abused the informant. There is no medical to prove the alleged incident. There is no independent witness of the alleged incident. Learned counsel for the appellant further submits that the impugned order rejecting the bail application of the appellant suffers from infirmity and illegality

warranting interference by this Court. Appellant is languishing in jail since 15.11.2025 having no criminal history.

4. On the other hand, learned AGA has opposed the application for bail but could not dispute the submission raised by learned counsel for the appellant.

5. Having regard to the facts and circumstances of the case and keeping in view the nature of the offence, evidence, complicity of the accused, role assigned to the present appellant and the nature of injury, the Court is of the opinion that the appellant has made out a case for bail.

6. Accordingly, the appeal is allowed and the impugned order rejecting the bail application of the appellant is hereby set-aside.

7. Let the appellant- **Nitesh Pandey**, involved in aforesaid case crime number 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.

8. In case of breach of any of the above conditions, the prosecution shall be at liberty to move bail cancellation application before this Court.

(Shekhar Kumar Yadav,J.)

March 26, 2026

Krishna*