

**(2025) 09 AHC CK 0713**  
**In the Allahabad High Court**  
**Case No : Criminal Appeal No. 4197 Of 2025**

Krishna Rastogi

APPELLANT

Vs

State of U.P And Anr

RESPONDENT

**Date of Decision :** 11-09-2025

**Acts Referred:**

Indian Penal Code, 1860 — Section 34, 307  
Code of Criminal Procedure Act, 1973 — Section 313

**Citation :** (2025) 09 AHC CK 0713

**Hon'ble Judges :** Anish Kumar Gupta, J

**Bench :** Single Bench

**Advocate :** Amar Saran, Rajendra Prasad, S.C.Srivastava

**Final Decision :** Allowed

## Judgement

Shekhar Kumar Yadav, J

1. In this case notice has already been served upon the informant.
2. The present criminal appeal under Section 14-A(2) Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act has been filed by the appellant-Krishna Rastogi to set aside the order dated 10.04.2025 in Bail Application No. 1837 of 25 and to release him on bail in Case Crime No.564 of 2024 under Sections 103(1), 3(5), 191(2), 190 and section 61(2) of BNS, section 3(2)5 SC/ST Act and Section 35 Arms Act, P.S. Dhampur, District Bijnor.
3. Heard learned counsel for the appellant, the learned AGA for the State-respondent no.1 and perused the entire record.
4. According to the prosecution case, the incident took place on 16.12.2024 and the FIR of this incident has been lodged on the same day stating therein that on the day of incident appellant along with other co-accused persons called him and caused the murder of her son and for this incident the information has given to her by the friends of her son.

5. Submission of learned counsel for the appellant is that the appellant is innocent and has been falsely implicated in this case. The appellant has not committed any offence as alleged in the impugned FIR. Further submission is that the prosecution story is totally false and fabricated. Essential ingredients to constitute the offence under the SC/ST Act are lacking in the matter. Appellant is languishing in jail since 19.12.2024. The appellant is having no criminal history. Learned counsel for the appellant next submitted that the appellant has been implicated due to enmity, There is no independent witness of the incident and nothing incriminating has been recovered from the possession of the appellant. The appellant had no motive to commit the murder. Further submission is that the impugned order rejecting the bail application of the appellant suffers from infirmity and illegality warranting interference by this Court.

6. On the other hand, learned A.G.A. as well as learned counsel for the opposite party no.2 opposing the prayer for bail had have submitted that the appellant committed the present offence having knowledge that the victim belonged to S.C./S.T. Community. There is no infirmity or illegality in the impugned order.

7. I have considered the rival submissions made by the learned counsel for the parties and have gone through the entire record including the impugned order carefully.

8. 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. The Court below erred in rejecting the bail application of the appellant. The impugned order suffers from infirmity and illegality and the same is liable to be set-aside and the appeal is liable to be allowed.

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

10. Let the appellant-Krishna Rastogi 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.

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