



2026:AHC-LKO:40690

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

CRIMINAL MISC. BAIL APPLICATION No. - 3934 of 2026

Priyanshu Yadav @ Priyanshu

.....Applicant(s)

Versus

State Of U.P. Thru. Prin. Secy. Home Deptt. Lko

.....Opposite
Party(s)

Counsel for Applicant(s)	: Dinesh Chandra, Surya Prakash
Counsel for Opposite Party(s)	: G.A.

Court No. - 11

HON'BLE RAJEEV SINGH, J.

1. Heard learned counsel for the applicant, learned A.G.A. for the State and perused the record.

2. The present bail application has been filed by the applicant in F.I.R. No. 003 of 2026, under Sections 115(2), 131, 333, 64 BNS, Police Station Maharajganj, District Raebareli with the prayer to enlarge him on bail.

3. Learned counsel for the applicant submits that the applicant has falsely been implicated in the present case. It is further submitted that as a matter of fact, the brother of the victim assaulted the applicant, in which, he received injuries. It is also submitted that a complaint in this regard was also given to the police by the mother of the applicant on the same day, i.e., on 05.01.2026, but neither the F.I.R. was lodged nor the applicant was medically examined. Submission of the learned counsel for the applicant is that only with the intention to harass the applicant, the F.I.R. No. 003 of 2026 was lodged by the complainant on the basis of concocted facts with the association of the police. It is also submitted that the victim developed a case of sexual assault in her statement under Section 183 BNSS, which was recorded after 5 days of the alleged incident. It is vehemently submitted that prior to recording of statement under Section 183 BNSS, the victim had not made any allegation of rape. Learned counsel for the applicant submits that

the Investigating Officer has not submitted the pathological report and filed the charge sheet in mechanical manner. It is also submitted that as the charge sheet has been filed, there is no possibility of tampering of any evidence. It is lastly submitted that in near future, there is no possibility of conclusion of trial and the applicant, who has no criminal antecedent, is in jail since 16.03.2026. In such circumstances, applicant is entitled for bail. It is also submitted that the applicant will never misuse the liberty of bail and shall fully cooperate in the trial.

4. Learned A.G.A. opposes the prayer for grant of bail to the applicant and submits that sufficient evidences were found against the applicant. However, he does not dispute that neither in the F.I.R. nor in the statement recorded under Section 180 BNSS, the allegation of rape was levelled against the applicant and for the first time, the allegation of rape was levelled by the victim in her statement under Section 183 BNSS.

5. Considering the arguments advanced by the learned counsel for the applicant, learned A.G.A. and going through the contents of F.I.R., statements of the victim recorded under Sections 180 and 183 BNSS as well as medico legal report and other relevant documents, it is evident that at the initial stage, there was no allegation of rape and it has been levelled by the victim in her statement recorded under Section 183 BNSS. In such circumstances, this Court is of the view that the applicant is entitled to be released on bail.

6. Application stands allowed.

7. Let applicant -Priyanshu Yadav @ Priyanshu be released on bail in F.I.R. No. 003 of 2026, on his furnishing personal bond and two reliable sureties each of the like amount to the satisfaction of the court concerned subject to following conditions:-

(i) The applicant shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected.

(ii) The applicant 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.

(iii) The applicant shall file an undertaking to the effect that he shall not seek any adjournment on the date fixed for evidence when the witnesses are present in Court. In case of default of this condition, it shall be open for the trial court to treat it as abuse of liberty of bail and pass orders in accordance with law.

(iv) The applicant shall remain present before the trial court on each date fixed, either personally or through his counsel. In case of his absence, without sufficient cause, the trial court may proceed against him under Section 269 BNS.

(v) In case, the applicant misuses the liberty of bail during trial and in order to secure his presence proclamation under Section 84 BNSS may be issued and if applicant fails to appear before the Court on the date fixed in such proclamation, then, the trial court shall initiate proceedings against him, in accordance with law, under Section 209 BNS.

(vi) The applicant shall remain present, in person, before the trial court on dates fixed for (a) opening of the case, (b) framing of charge; and (c) recording of statement under Section 351 BNSS. If in the opinion of the trial court, absence of the applicant is deliberate or without sufficient cause, then it shall be open for the trial court to treat such default as abuse of liberty of bail and proceed against him in accordance with law.

8. Any violation of above conditions will be treated misuse of bail and learned Court below will be at liberty to pass appropriate order in the matter regarding cancellation of bail.

(Rajeev Singh,J.)

June 10, 2026

VKS