



2026:AHC-LKO:42114

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

CRIMINAL MISC. BAIL APPLICATION No. - 4637 of 2026

Hariom Yadav

.....Applicant(s)

Versus

State Of U.P. Thru. Prin. Secy. Home, Civil Sectt.
Lko. And Others

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Krishna Kumar Singh
Counsel for Opposite Party(s)	:	G.A.

Court No. - 12

HON'BLE SHREE PRAKASH SINGH, J.

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

The instant bail application has been filed on behalf of the applicant with the prayer to release him on bail during the trial in FIR/Case Crime No. 0018 of 2025, under sections 308(2), 351(3), 352, 115(2), 64(2)BNS (erstwhile 384, 506, 509, 323, 3761(1) of IPC) and 67 IT Act, Police Station Sandi, District Hardoi.

Contention of learned counsel for the applicant is that the applicant is innocent and has been falsely implicated in the instant matter due to ulterior motive. He next submitted that mother of victim while narrating false and concocted story and there is no allegation in the FIR for committing rape upon the victim, thereafter in the statement under Section 183 of BNS of the victim; the allegation of rape has been added. He also submitted that the FIR has been lodged after about 4 years of the alleged incident and no explanation has been given thereof. He submitted that there is no medical examination conducted as the same was not consented by the victim. He argued that the applicant is an army man and has been found to suffer while narrating the false story in the FIR. He next submitted that the applicant is languishing in jail since 23.05.2026 and he is not having any previous criminal history. He submits that the applicant undertakes that in case, he is granted bail, he will not misuse the liberty of the same and would cooperate

in the trial proceedings.

Per contra, learned AGA appearing for the State has opposed the contentions aforesaid and submits that the applicant is not entitled for any relief.

Having heard learned counsels for the parties and after perusal of material placed on record, it emerges that the applicant is an army man and the incident is stated to have taken place in year 2021, whereas the FIR has been lodged at a very belated stage in the year 2025. No medical examination was conducted as the same was declined to be conducted by the victim herself. It transpires that the applicant is languishing in jail since 23.05.2026. The applicant has undertaken that if he is granted bail, he will not misuse the liberty of the same and would cooperate in the trial proceedings.

Considering the submissions of learned counsel of both sides, nature of accusation and severity of punishment in case of conviction, nature of supporting evidence, prima facie satisfaction of the Court in support of the charge, reformatory theory of punishment and considering larger mandate of the Article 21 of the Constitution of India and, without expressing any view on the merits of the case, I find it to be a fit case of bail.

Let the applicant- **Hariomn Yadav** involved in the aforementioned crime be released on bail, on his furnishing a personal bond and two sureties each in the like amount, to the satisfaction of the court concerned, with the following conditions:-

- (1) The applicant shall not tamper with the prosecution evidence by intimidating/ pressurizing the witnesses, or otherwise during the investigation or trial;
- (2) The applicant shall file an undertaking to the effect that he shall not seek any adjournment on the dates fixed for evidence when the witnesses are present in court. He 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 229-A of the Indian Penal Code;
- (3) The applicant shall remain present, in person, before the trial court on the

dates fixed for (i) opening of the case, (ii) framing of charge and (iii) recording of statement under Section 313 Cr.P.C.; and

(4) In case, the applicant misuses the liberty of bail during trial and in order to secure his presence proclamation under Section 82 Cr.P.C. is issued and the applicant fails to appear before the court on the date fixed in such proclamation, the trial court shall initiate proceedings against him, in accordance with law under Section 174-A of the Indian Penal Code.

The identity, status and residential proof of sureties will be verified by the court concerned and in case of breach of any of the above conditions, the court below shall be at liberty to cancel the bail and send the applicant to prison.

It is clarified that the observations made in this order are strictly confined to the disposal of this bail application and must not be construed to have any reflection on the merits of the case.

(Shree Prakash Singh,J.)

June 25, 2026

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