



2026:AHC:60860

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 6282 of 2026

Jeetu Ahirwar

.....Applicant(s)

Versus

State Of U.P. And 3 Others

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Jaysingh Yadav
Counsel for Opposite Party(s)	:	G.A., Ved Prakash Ojha

Court No. - 65

(Sl. No. @@ out of 307)

HON'BLE KRISHAN PAHAL, J.

1. List has been revised. Supplementary affidavit filed today by the learned counsel for the applicant is taken on record.
2. Heard Sri Jaysingh Yadav, learned counsel for the applicant and Sri Ved Prakash Ojha, learned counsel for the informant as well as Sri V.K.S. Parmar, learned A.G.A. for the State and also perused the material placed on record.
3. Applicant seeks bail in **Case Crime No. 190 of 2025, under Sections 137(2), 65(1) of BNS and Sections 3/4 of POCSO Act, Police Station - Narahat, District - Lalitpur**, during the pendency of trial.
4. Learned counsel for the applicant has argued that the applicant is absolutely innocent and has been falsely implicated in the present case. He has nothing to do with the said offence as alleged in the FIR.
5. Learned counsel has also stated that the victim is the consenting party as is evident from the fact that she has taken away Rs.50,000/- cash and ornaments from her house. The consent of the victim can also be drawn from her statement recorded u/s 183 BNSS whereby she has stated that she was in love with the applicant. She has further stated that she does not want any action against the applicant.
6. Learned counsel has further stated that a case of consensual relationship between the two adolescent has been converted into the

criminal case by the informant herein. It is next contended that the victim by her looks seems to be major although as per Class 9 school certificate, she is stated to be 14 years and 9 months old. It is argued that the said certificate is not admissible in light of Section 94 of the Juvenile Justice (Care and Protection) Act.

7. Learned counsel has next contended that criminal history of three cases assigned to the applicant stands explained. The applicant is languishing in jail since 13.11.2025. In case, the applicant is released on bail, he will not misuse the liberty of bail and shall cooperate with trial.

8. Per contra, learned AGA and learned counsel for the informant have vehemently opposed the bail application on the ground that the victim was minor and her age itself is a valid ground for rejection of applicant's bail.

9. The said document i.e. Class IX school certificate of the victim cannot be taken into consideration in view of the judgement of Supreme Court passed in ***P. Yuvaprakash vs State Rep. by Inspector of Police, AIR 2023 SC 3525***, whereby it has observed that in the absence of records relating to the birth of the victim, no other documents except the Matriculation or equivalent certificate from the concerned examination board or certificate by a corporation, municipal authority or a Panchayat can be relied upon to ascertain the age of the victim.

10. In the case of **Prabhakar Tewari Vs. State of U.P. and another, (2020) 11 SCC 648**, the Supreme Court has observed that pendency of several criminal cases against an accused by itself cannot be a basis for refusal of bail.

11. Considering the facts and circumstances of the case, submissions made by learned counsel for the parties, nature of offence, severity of punishment, the aforesaid judgement(s) of Supreme Court and also considering the fact that the victim had taken away ornaments and cash from her house and also the statement of the victim recorded u/s 183 BNSS which categorically indicates towards her consent, *prima facie* I find it a fit case to release the applicant on bail. The bail application is **allowed**.

12. Let the applicant- **Jeetu Ahirwar**, be released on bail on furnishing a personal bond and two sureties to the satisfaction of the court concerned, subject to verification of sureties, with the conditions that he shall not tamper with evidence or intimidate witnesses and shall appear before the trial court as required.

13. Breach of any condition shall entail cancellation of bail. The observations herein shall not affect the trial on merits.

(Krishan Pahal,J.)

March 24, 2026
Siddhant