



2026:AHC:23572

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 2424 of 2026

Rishabh Ahir @ Rahul

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s) : Rohit Pandey, Yogesh Kumar Singh
Counsel for Opposite Party(s) : Dharendra Kumar Srivastava, G.A.

Court No. - 65

HON'BLE DR. GAUTAM CHOWDHARY, J.

1. Heard learned counsel for the applicant, Sri Dharendra Kumar Srivastava, learned counsel for the informant, Sri Chandan Singh the learned A.G.A. for the State and perused the entire material available on record.
2. The applicant-**Rishabh Ahir @ Rahul** has filed the instant bail application with a prayer to enlarge him on bail in Crime No.34 of 2025, under Sections 376, 328, 504, 506, 120-B I.P.C., Police Station Adhalhat, District Mirzapur, during the pendency of the trial.
3. The prosecution story in brief is that on 02.10.2021, the co-accused, Archana Singh had invited the informant on her birthday party as such she went to her party, where the accused Archana Singh had administered some substance in her food on account of which she became unconscious and when became conscious in the morning, it was told by the co-accused that the applicant had committed rape and a video has also been prepared.
4. Learned counsel for the applicant submits that the incident is alleged to occurred on 02.10.2021 whereas the F.I.R. has been lodged on 05.02.2025 without there being any plausible explanation of such an inordinate delay. He further submits that the victim in her st statement recorded under Section 180 of B.N.S.S., has little improvised her statement to the extent that the applicant was sleeping next to her. He further submits that the victim has stated in her statement recorded under Section 183 of B.N.S.S.,

that the applicant started blackmailing her along with other averments as has been stated in her previous statement. Learned counsel next argued thereafter the subsequent statement (Majeed statement) of the victim was also recorded, which is a detailed statements wherein the victim has levelled allegations against the applicant. Learned counsel next argued that the Investigating Officer after thorough investigation found the complicity of applicant in commission of alleged offence is not made out and had submitted final report. Thereafter, pursuant to the order of concerned authority, the matter was again investigated. Learned counsel further argued that the victim is mother of three children and that the victim resides near the house of the applicant and that during the course of Investigation, thrice the location of the applicant was traced out by the Investigating Officer, who found the location of the applicant at Gao, M.P., copy of call details record is annexed as Annexure-6 to the affidavit accompanying the bail application. It is thus contended that the applicant has been falsely implicated in the present case. . Several other submissions in order to demonstrate the falsity of the allegations made against the applicant have also been placed before the Court. The circumstances which, according to the counsel, led to the false implication of the accused have also been mentioned. It has also been assured on behalf of the applicant that he is ready to cooperate with the process of law and shall faithfully make himself available before the court whenever required and is also ready to accept all the conditions which the Court may deem fit to impose upon him. He next submits that applicant is languishing in jail since 22.12.2025 It is thus contended that the applicant is entitled for bail.

5. On the other hand, learned A.G.A. for the State has contended that there is specific allegation against the applicant. He next submits that the innocence of the applicant cannot be adjudged at pre trial stage, therefore, he does not deserve any indulgence.

6. Learned counsel for the informant has contended that after passing of the order of further investigation dated 02.04.2025, the statement of the victim has been recorded on 26.05.2025 which has been endorsed in CD 23. The victim not only in her statements but also in her statement recorded after order of further investigation has levelled specific

allegations not only against the applicant but also against the co-accused Archana Singh. He further submits the video has been recovered, which has been kept in pen-drive and has also been sent for Forensic Laboratory Test, as has been described in C.D.20. It is thus contended that the applicant has committed the offence and therefore, the applicant is not entitled for bail.

7. Perusal of the record shows that the complicity of applicant in commission of alleged offence is made out. The victim has levelled specific allegations against the applicant and the co-accused. which versions are fully supported by the victim in her statements either recorded before the order of further investigation or after passing of the order of further investigation. .

8. Keeping in view submissions of learned counsel for the parties, gravity of offence, nature of allegations and all the attending facts and circumstances of the case, without expressing any opinion on the merits of the case, I do not find any good reason to exercise my discretion in favour of the accused-applicant.

9. Accordingly, the bail application stands rejected.

(Dr. Gautam Chowdhary,J.)

February 3, 2026

S.Ali