



2026:AHC:63997

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 10392 of 2026

Rohit @ Kallu

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s) : Amzad Rza, Chandra Kant Tripathi,
Raman Pandey
Counsel for Opposite Party(s) : G.A.

Court No. - 65
(Sl. No. 35 out of 283)

HON'BLE KRISHAN PAHAL, J.

1. List has been revised.
2. Heard Sri Chandra Kant Tripathi, learned counsel for the applicant and Sri Arun Kumar Mishra, learned A.G.A. for the State and perused the record.
3. This bail application has been filed on behalf of the applicant seeking bail in **Case Crime No. 166 of 2025, under Sections 70(1), 76, 115(2) of BNS, Police Station- Mishraulia, District - Siddharthnagar**, during the pendency of trial.

PROSECUTION STORY:

4. On 02.12.2025 at about 09:00 PM, the applicant is stated to have gagged the mouth of the victim, tried to disrobe her and outraged her modesty when she had gone to ease herself out.

ARGUMENTS ON BEHALF OF APPLICANT:

5. The applicant is innocent and has been falsely implicated in the present case. He has nothing to do with the said offence as alleged in the FIR.
6. The FIR is delayed by about ten hours and there is no explanation of the said delay caused.

7. Initially, the allegations were of outraging of modesty and they have been escalated to that of rape by the victim in her statement recorded u/s 180 & 183 BNSS as an afterthought and after legal consultations.

8. The instant case has been foisted on the applicant at the behest of local Gram Pradhan on account of upcoming panchayat elections as the applicant supported the opposite party to the gram pradhan.

9. The name of the applicant has been nominated by the victim at the behest of gram pradhan in her statement recorded u/s 183 BNSS, as such, the applicant is entitled for bail.

10. Even the applicant has been medically examined and no injury was found on his body.

11. The applicant is languishing in jail since 03.12.2025, having no criminal history to his credit. In case, the applicant is released on bail, he will not misuse the liberty of bail and shall cooperate with trial.

ARGUMENTS ON BEHALF OF STATE:

12. The bail application has been vehemently opposed by contending that there is injury sustained by the victim on her vital part.

13. It is but natural that the victim, owing to a sense of shame and to avoid public outrage, may not have set out all the details in the FIR.

CONCLUSION:

14. Considering the facts and circumstances of the case, submissions advanced by learned counsel for the parties and taking into consideration the medical report of the victim which indicates that she has sustained injury on her vital parts, I do not find it a fit case to release the applicant on bail.

15. The bail application is, accordingly, **rejected**.

16. However, it is directed that the aforesaid case pending before the trial court be decided expeditiously, in view of the principle laid down in the recent judgements of the Supreme Court in the cases of **Vinod Kumar vs.**

State of Punjab 2015 (3) SCC 220 and Hussain and Another vs. Union of India (2017) 5 SCC 702, if there is no legal impediment.

17. It is clarified that the observations made herein are limited to the facts brought in by the parties pertaining to the disposal of bail application and the said observations shall have no bearing on the merits of the case during trial.

(Krishan Pahal,J.)

March 26, 2026
Siddhant