



2026:AHC-LKO:20081

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

**CRIMINAL MISC ANTICIPATORY BAIL APPLICATION U/S 438 CR.P.C.
No. - 221 of 2026**

Soniya Bano @ Soni

.....Applicant(s)

Versus

State Of U.P. Thru. Prin. Secy. Home Lko. And 4
Others

.....Opposite
Party(s)

Counsel for Applicant(s) : Vaibhav Mishra

Counsel for Opposite Party(s) : G.A., Arvind Kumar Upadhyay, Sujeet
Kumar Mishra

Court No. - 13

HON'BLE SAURABH LAVANIA, J.

1. Heard Sri Vaibhav Mishra, the learned counsel for the applicant, Sri V.K. Shahi, the learned AGA for the State of U.P. and Sri Arvind Kumar Upadhyaya, Advocate, who has signed the Vakalatnama alongwith Sri Surjeet Kumar Mishra, Advocate & Sri Vishal Tripathi, Advocate, on behalf of the private opposite party(s) in the Court today, which is taken on record, as well as perused the record.

2. The instant application has been filed by the applicant seeking anticipatory bail in F.I.R. No.254/2013, under Sections- 363, 366, 376 I.P.C. and Section- 3/4 of POCSO Act, Police Station- Paraspur, District- Gonda.

3. While pressing the instant anticipatory bail application, it is stated that based upon the written report, an FIR i.e. FIR No. 185/2013, registered as Case Crime No. 254/2013, was lodged on 07.12.2013, under Section(s)- 363, 366 IPC.

4. It is further stated that as per the FIR, the accused/Ram Kumar enticed away the minor daughter/victim, aged about 16 years, of the informant on 28.11.2013 at about 2.00 P.M.

5. It is further stated that during investigation, the victim was recovered and her statement(s) were recorded in terms of Section(s) 161 and 164 Cr.P.C.

6. Based upon the copies of statement(s) of victim recorded in terms of Section(s) 161 and 164 Cr.P.C., on record as Annexure Nos. 5 and 6, respectively, to the instant application, it is stated that the victim was in affair with Ram Kumar (co-accused) and she solemnized marriage with Ram Kumar. It is also stated that during investigation the victim has not indicated the name of the applicant.

7. Further submission is that charge sheet in Case Crime No. 254/2013 was

filed only against the co-accused/Ram Kumar.

8. It is further stated that during pendency of the trial, an application was moved by the uncle of the victim in terms of Section 156(3) Cr.P.C. impleading therein the applicant and his family members including her parents and on the application preferred by the uncle of the victim in terms of Section 156(3) Cr.P.C. registered as Case No. 453 of 2014 (Rafiq vs. Ram Charan and others), the Magistrate concerned passed the order dated 15.11.2014, whereby directed the in-charge of Police Station- Paraspur, District- Gonda to lodge the FIR.

9. In compliance of the order of the Magistrate dated 15.11.2014, the FIR was lodged, registered as Case Crime No. 224 of 2014, under Sections- 147, 452, 323, 504, 506 I.P.C. at Police Station- Paraspur, District- Gonda.

10. It is further stated that after the order of Magistrate dated 15.11.2014, the victim before the trial court indicated the name of the applicant in Case Crime No. 254 of 2013, in connection to which the victim never levelled any allegation against the applicant during investigation and therefore the charge sheet was filed only against the accused/Ram Kumar.

11. It is further stated that based upon the statement(s) of victim, an application was preferred in the trial arising out of Case Crime No. 254 of 2013 and on the said application the trial court while exercising its jurisdiction in terms of Section 319 Cr.P.C. summoned the accused to face the trial vide order dated 28.07.2015.

12. It is further stated that the order dated 28.07.2015 was impeached by the accused/applicant by means of Criminal Revision No. 565 of 2015 (Soniya Bano vs. State of U.P. and others) and this Criminal Revision is pending consideration before the competent court of jurisdiction.

13. It is further stated that during pendency of the aforesaid revision, the trial court issued non-bailable warrant vide order dated 29.06.2018 and the was impeached by means of an Application U/S 482 Cr.P.C. No. 6431 of 2018 (Soniya Bano @ Soni And Another vs. State of U.P. and others) and this application has been dismissed by this Court vide order dated 08.12.2025.

14. It is also stated that the custodial interrogation of the applicant is not required for the reason(s) that (i) the FIR was lodged wayback in the year 2013, registered as Case Crime No. 254/2013; (ii) during investigation no allegation was levelled by the victim against the applicant and (iii) the evidence collected by the Investigating Officer concerned (in short "I.O.") is already on record. Reference in this regard has been made to the observations made by the Hon'ble Apex Court in the case of ***Musheer Alam vs. State of Uttar Pradesh and Another, 2025 SCC OnLine SC 116***.

15. It is also stated that considering the entire aspects of the case, as stated, including that with oblique motive, which includes to harass the applicant and her family members in Case Crime No. 224/2014 the name of the applicant has been indicated by the victim, the interest of the applicant is liable to be protected by this Court.

16. Learned A.G.A. and the learned counsel for the private opposite party(s) opposed in the instant application. However, they could not dispute the aforesaid contents of the applicant's counsel.

17. Having considered the aforesaid facts and circumstances of the case and also the settled proposition of law, referred above, I am of the view that the aforesaid facts are sufficient for making out a case for granting bail to the applicant.

18. In view of the above, the anticipatory bail application of the applicant is **allowed**. In the event of arrest/appearance of applicant- **Soniya Bano @ Soni** in the aforesaid case crime, she shall be released on bail on her furnishing personal bond and two solvent sureties (out of which one of family member/close relative) each in the like amount i.e. Rs. 25,000/- to the satisfaction of S.H.O./Court concerned on the following conditions and subject to any other conditions that may be fixed by the trial court:-

(i) that 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;

(ii) that the applicant shall not leave India without the previous permission of the court.

(iii) that the applicant shall appear before the trial court on each date fixed, unless personal presence is exempted; and

(iv) that the applicant shall not pressurize/ intimidate the prosecution witness.

19. It is open for the trial court to fix any other reasonable condition as it deems fit.

(Saurabh Lavania,J.)

March 19, 2026

Arun/-