



2026:AHC-LKO:22551

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

CRIMINAL MISC. BAIL APPLICATION No. - 2180 of 2026

Shahjad Khan

.....Applicant(s)

Versus

State Of U.P. Thru. Prin. Secy. Home Lko. And 2 Others

.....Opposite Party(s)

Counsel for Applicant(s)	:	Suresh Kumar Yadav, Poonam
Counsel for Opposite Party(s)	:	G.A.

Court No. - 13

HON'BLE MANISH KUMAR, J.

1. Shri Ashish Raman Mishra, Advocate has filed vakalatnama on behalf of respondent no. 3 alongwith counter affidavit, which is taken on record.
2. Heard learned counsel for the applicant and learned AGA for the State.
3. By means of this application, the applicant, who is involved in Case Crime No. 45 of 2025, under sections 87, 142, 64 of the B.N.S. (corresponding old sections 366, 368 and 376 of IPC) and Section 3/5 of U.P. Prohibition of Unlawful Conversion of Religion Act, 2021, Police Station Ramganj, District- Amethi is seeking enlargement on bail during the trial.
4. Brief facts of the present case are that an FIR dated 02.05.2025 has been lodged under Sections under sections 87, 142, 64 of the B.N.S. (corresponding old sections 366, 368 and 376 of IPC) and Section 3/5 of U.P. Prohibition of Unlawful Conversion of Religion Act, 2021 against the four named accused persons including the present applicant alleging therein that marriage of daughter of the complainant aged about 22 years was scheduled to be solemnized on 06.05.2025. She went with some articles at around 10 A.M. on 24.04.2025 and thereafter she had not returned home. On 27.04.2025, a report of missing was lodged and in between it has come to the knowledge that the applicant and other co-accused persons used to meet his daughter outside. They had kidnapped her and prepared passport of his daughter and he has firm belief that she was kidnapped by the accused persons named in the FIR and after conversion of religion, they will do something wrong with her.
5. Learned counsel for the applicant has submitted that alleged victim is about 25 years of age however, it has wrongly been mentioned as 22 years of age in the FIR.
6. It is further submitted that victim i.e. respondent no. 3 in her statement recorded under Sections 180 and 183 of BNSS had not said anything against the applicant

regarding outraging her modesty, forcing her for conversion of religion. The statement under Section 183 of BNSS was recorded on 06.05.2025 and on 07.05.2025, a majeed bayan was recorded wherein for the first time, a statement was given by the victim that she was physically assaulted and the same statement was given on 08.05.2025 before the Magistrate so there are contradictions and omissions in the statement of victim as the allegations of outraging the modesty and conversion of religion has come for the first time in her majeed bayan.

7. It is further submitted that victim had reached home on 04.05.2025 and on 05.05.2025 when she was asked for the medical examination, she refused the same.

8. It is further submitted that the victim has filed a counter affidavit stating therein that applicant has neither kidnapped her nor outraged her modesty or compelled her to convert religion.

9. It is further submitted that it has also been pleaded in the counter affidavit that under the pressure of her family members and the brother, who threatened her for facing the consequences, she changed her statement by making false allegations against the applicant. In this regard, she has also given an application dated 10/12.05.2025 to the Superintendent of Police, Amethi. Copy thereof has been enclosed as CA-1 to the counter affidavit filed today

10. It has lastly been submitted by learned counsel for the applicant that applicant has no criminal history.

11. On the other hand, Learned Additional Government Advocate has vehemently opposed the prayer for bail of the present applicant but could not dispute the aforesaid contentions of learned counsel for the applicant particularly in the background of counter affidavit filed by the victim herself before this Court.

12. Learned counsel for the respondent no. 3 has submitted that due to the pressure of family members and threatening from her brother to kill her, she changed her statement in the majeed bayan.

13. Having heard learned counsel for the parties and having perused the material available on record and the counter affidavit filed by the victim wherein she has made averment on oath before this Court that she had made false allegations against the applicant under the pressure of her family members and brother, it appears that the applicant has neither kidnapped her, nor outraged her modesty or compelled her for conversion of religion and she has also given an application within two days of majeed bayan to the Superintendent of Police in this connection thus, prima-facie, makes the prosecution case suspicious. It is a fit case in which the applicant may be enlarged on bail.

14. Accordingly, the instant bail application is *allowed*.

15. Let the applicant ***Shahzad khan*** be released on bail in the aforesaid case crime number on her furnishing a personal bond and two sureties each in the like amount to the satisfaction of the court concerned with the following conditions:-

- (i) The applicant will cooperate with the prosecution during trial.
- (ii) The applicant will not tamper with the evidence during trial.
- (iii) The applicant will not pressurize/intimidate the prosecution witness(es).
- (iv) The applicant shall not commit an offence.
- (v) 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.
- (vi) The applicant shall remain present before the trial court on each date fixed, either personally or through counsel.
- (vii) The applicant will not seek any adjournment on the dates fixed for evidence when the witnesses are present in court.
- (viii) The applicant shall remain present, in person, before the trial court on the dates fixed for recording of statement under Section 313 Cr.P.C.

16. In case of default of above conditions it shall be open for the trial court to treat it as abuse of liberty of bail and pass orders in accordance with law.

17. As this order relates to enlargement of the applicant on bail, it is clarified that observations made in this order shall have no bearing on the merits of the case and the trial court shall not be influenced by any observations made in this order.

March 31, 2026
Ashish

(Manish Kumar,J.)