



2026:AHC-LKO:20206

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

CRIMINAL MISC. BAIL APPLICATION No. - 1076 of 2026

Ashish Kumar Singh

.....Applicant(s)

Versus

State Of U.P. Thru. Prin. Secy. Home Lko. And
Another

.....Opposite
Party(s)

Counsel for Applicant(s) : Vivek Kumar Singh, Furkan Pathan,
Priya Singh
Counsel for Opposite Party(s) : G.A., Rahul Roshan Dubey

Court No. - 13

HON'BLE SAURABH LAVANIA, J.

1. In terms of earlier order of this Court, Sri Abhishek Kumar Sirohi, S.H.O., Police Station- Antu, District- Pratapgarh, who conducted partial investigation, and Sri Anand Pal Singh, S.H.O., Police Station- Patti, District- Pratapgarh, who concluded the investigation, are present in the Court.
2. Heard learned counsel for the applicant, Sri V.K. Shahi, the learned AGA & Sri Ajay Kumar Srivastava, the learned A.G.A. for the State of U.P. and Sri Rahul Roshan Dubey, the learned counsel for the informant/victim/opposite party No. 2 (in short "prosecutrix/victim") as well as perused the record.
3. The present application has been filed on behalf of the applicant seeking bail in Case Crime No. 344/2025, under Section- 70(1) B.N.S., Police Station- Patti, District- Pratapgarh.
4. While pressing the present application, the learned counsel for the applicant stated that the case of the prosecution against the applicant is false and concocted, as the informant/victim is not a truthful witness and therefore the applicant, having no criminal is languishing in jail since 05.12.2025, is entitled to be released on bail.
5. To establish the aforesaid, the learned counsel for the applicant placed before this Court various aspects of the case, which includes the following:-
 - (i) As per the prosecutrix/victim, co-accused namely Badri Prasad Verma (Kotedar), who has been exonerated, made obscene video clip of the victim and based upon the same the co-accused namely Badri Prasad

Verma (Kotedar) took the victim to District- Pratapgarh from her native place namely Village- Kohrao, Pargana and Tehsil- Patti, District- Pratapgarh and at District- Pratapgarh the victim was brought to some flat (फ्लैटनुमे कमरे में ले जाकर बंद कर दिया) and in the said flat the co-accused persons namely Badri Prasad Verma (Kotedar), Ashish Tiwari and one security guard (not named) established physical relations forcefully with the victim (बद्री प्रसाद वर्मा व आशीष तिवारी और वहा मौजूद सिक्योरिटी गार्ड ने प्रार्थिनी के साथ बलात्कार किया).

(ii) On the aforesaid aspect of the case, reference has been made to the copy of the application dated 01.12.2025 signed by the victim/informant sent to Superintendent of Police, District- Pratapgarh (Annexure No. 2 to the present bail application).

(iii) Based upon the copy of the letter dated 02.12.2025 signed by the victim, it is stated that a bare perusal of the same would indicate that the crime, if any, was committed by the co-accused persons namely Badri Prasad Verma (Kotedar), Ashish Tiwari and security guard available at the flat.

(iv) Based upon Annexure No. 3, which is the copy of letter of Suraj Verma (real brother of the victim), it is stated that the victim was missing from 17.11.2025 but as per victim she was abducted by co-accused/Badri Prasad Verma (Kotedar) on 16.11.2025. Thus, the victim is not a sterling witness.

(v) Based upon the copy of the statement(s) of victim recorded in terms of Section(s) 180 and 183 B.N.S.S., it is further stated that the crime, if any, against the victim was committed by the co-accused Badri Prasad Verma (Kotedar) and Ashish Tiwari and also the security guard and the statement of victim recorded in terms of Section 183 B.N.S.S. also indicates that the police personnel assaulted the victim and also her brother at Police Station.

(vi) Based upon the statement of victim recorded during investigation, copy of which is annexed at page 39 of the paper book, it is also stated that a bare perusal of the same would also indicate that the crime, if any, was committed by Badri Prasad Verma (Kotedar), Ashish Tiwari and security guard and not by the applicant herein.

(vii) Thus, the story of the prosecution against the applicant is completely false and it appears that the police of Police Station- Patti, District- Pratapgarh was in collusion with the co-accused Badri Prasad Verma (Kotedar) and on extraneous consideration the said accused namely Badri Prasad Verma (Kotedar) has been exonerated by the Investigating Officer(s) (in short "I.O.").

6. It is also stated that in these circumstances, the fresh investigation by

some independent agency such as Crime Branch- Criminal Investigation Department (CB-CID) is required in the matter and on this aspect of the case the applicant, after being released on bail, would take recourse of legal remedies available under the law.

7. It is further stated that from the documents annexed with the counter affidavit of State, it is apparent that on extraneous consideration the co-accused Badri Prasad Verma (Kotedar) has been exonerated during investigation by the Investigating Officer(s) concerned by recording the statement of independent witnesses and the applicant despite not being named by the victim has been implicated and sent to jail and he is languishing in jail since 05.12.2025.

8. It is also stated that it is true that the statement(s) of victim shall always not be treated as gospel truth but in the instant case from the very beginning the victim indicated/pointed out the involvement of co-accused Badri Prasad Verma (Kotedar) and despite this he has been exonerated by the Investigating Officer(s) concerned.

9. It is lastly stated that considering the entire aspects of the case more particularly that no evidence is not available with the prosecution so as to establish its case during trial, the applicant is entitled to be enlarged on bail. In case of being enlarged on bail, the applicant will not misuse the liberty of bail and will cooperate in trial and would also not influence the prosecution witnesses.

10. Learned A.G.A. and the learned counsel for the side opposite opposed the prayer for bail, however they could not dispute the aforesaid contentions of counsel for the applicant.

11. Upon due consideration of the facts and circumstances of the case, the submissions of counsel for the parties, F.I.R. and also the fact that the applicant has not been previously convicted for any offence and he is in jail since 05.12.2025 and also the chances of conviction of the applicant in the instant case as well as the statement(s) of victim recorded in terms of Section(s) 180 and 183 B.N.S.S., this Court finds that the present applicant is liable to be allowed. Accordingly, it is **allowed**.

12. Let the applicant- **Ashish Kumar Singh** be released on bail in the aforesaid case crime number on his furnishing personal bond of Rs. 25,000/- and two reliable sureties (one of family member/close relative) each of the like amount to the satisfaction of the court concerned subject to 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.

13. 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.

14. 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.

(Saurabh Lavania,J.)

March 19, 2026

Arun/-