



2026:AHC-LKO:20934

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

CRIMINAL MISC. BAIL APPLICATION No. - 2019 of 2026

Shiv Prasad @ Naanhu

.....Applicant(s)

Versus

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

.....Opposite
Party(s)

Counsel for Applicant(s) : Mahendra Pal Chauhan, Neeraj Tewari
Counsel for Opposite Party(s) : G.A.

Court No. - 13

HON'BLE MANISH KUMAR, J.

1. Heard learned counsel for the applicant and learned AGA for the State.

2. By means of this bail application, the applicant, who is involved in Case Crime No. 22 of 2026, under Sections 87 of BNS/366 of IPC, 64(1) of BNS/376 (1) of IPC and 66E of Information Technology Act, Police Station-Kotwali Dehat, District Balrampur is seeking enlargement on bail during the trial.

3. As per the prosecution story in the FIR dated 26.01.2026 which has been lodged by the informant/complainant under Sections 137(2) & 87 of the BNS and Section 66E of the Information Technology Act, it has been alleged that the applicant enticed 16 year old daughter of the informant with false promise of marriage and eloped with her.

4. Learned counsel for the applicant has submitted that the alleged victim has given her statement firstly, under Section 180 BNSS stating therein that she had left her house alone and reached Lucknow and thereafter came back at Jharkhandi Station at Balrampur. Thereafter on 29.01.2026, another statement was given by the alleged victim at the time of medical examination making a statement that she had left with the applicant by train and reached Lucknow where the alleged victim and the applicant solemnized marriage in the temple and they stayed at the room of the applicant's friend as husband and wife for 3-4 days and when she came to know about lodging of the FIR by her family, she came back and in the last statement given by the alleged victim on 03.02.2026 under Section 183 BNSS, she had made a statement that she is in love with the applicant and she ran away with him on the promise of solemnizing marriage and they stayed in a room near the station at Lucknow for 4-5 days and during this period, the applicant had made physical relations with the alleged victim 3-4 times, so there are material contradictions in the statement of the alleged victim at different stages and the allegation of outraging the modesty was given by her after she was handed over to her parents and prior to that, there was no allegation of outraging the modesty by

the applicant.

5. It is further submitted that the ocular evidence of the alleged victim does not corroborate with the medical examination which was held on 29.01.2026 i.e. the date of alleged recovery of the applicant. There was no external or internal injury, the hymen was torn old and healed. If any physical relationship would have been developed within 3-4 days of the medical examination, such a report is not possible.

6. It is further submitted that as per the admitted case of the prosecution that the alleged victim is illiterate or uneducated, so her age could be seen from the medical report where it has been shown as 18-19 years of age i.e. major.

7. It is further submitted that the Investigating Officer, during the investigation which is still going on has found that after the confiscation of the mobile of the applicant, no video has been found and for further investigation, the same has been forwarded to the Forensic Science Laboratory.

8. It is further submitted that there is no material found against the applicant till date which could make out an offence against the applicant under the Sections mentioned in the FIR.

9. The applicant has falsely been implicated in the present case otherwise he has no criminal history.

10. On the other hand, learned AGA on the basis of complete instructions received has submitted that there are allegations in the statement of the alleged victim but he is unable to dispute the submissions made by learned counsel for the applicant.

11. It is further submitted that the allegation under Section 64(1) of BNS/376 (1) of IPC has been added after the statement given by the alleged victim under Sections 183 BNSS, which was initially not there at the time of lodging of the FIR.

12. After hearing learned counsel for the respective parties and going through the record of the case, prima facie, it is found that there are contradictions in the statements of the alleged victim at different stages and made an allegation by improvising her statement after the custody was handed over to her parents. The medical report is also not apparently corroborating with the ocular evidence, thus, prima facie, it is found that it is a fit case in which the applicant may be enlarged on bail.

13. Accordingly, the instant bail application is allowed.

14. Let the applicant- Shiv Prasad @ Naanhu be released on bail in the aforesaid case crime number on his 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.

15. 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.

16. 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.

(Manish Kumar,J.)

March 24, 2026

Nitesh