



2026:AHC:57530

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 4269 of 2026

Amarnath Sahani

.....Applicant(s)

Versus

State Of U.P. And 3 Others

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Vivekanand Yadav
Counsel for Opposite Party(s)	:	G.A. (Senior Advocate)

Court No. - 64

HON'BLE VIVEK VARMA, J.

1. Learned A.G.A. on the basis of instructions submits that notice of the present application has been served upon the informant- opposite party no. 4 and the Child Welfare Committee, Gorakhpur- opposite party no. 3 on 31.01.2026. The receiving endorsements produced by the learned A.G.A. are taken on record. However, no one appears on behalf of the said opposite parties nor any counter affidavit has been filed on their behalf.
2. Heard learned counsel for the applicant and Sri V.P. Tripathi, learned A.G.A. for the State-opposite party.
3. The present bail application has been filed with the prayer to enlarge the applicant on bail in Case Crime No. 699 of 2025, under Sections 137(2), 61(1), 70(2) B.N.S. and 5/6 POCSO Act, Police Station Barahalganj, District Gorakhpur during the pendency of the trial.
4. Learned counsel for the applicant submits that the applicant has been falsely implicated in the present case. As per the first information report and the statement of the victim under Section 180 B.N.S.S., on 10.12.2025 at about 7 p.m. near the Kali Mata place, the victim aged 16 years was enticed and forcibly taken

away on motorcycle by the applicant and three co-accused persons. Upon receiving information, the informant chased them on his motorcycle. Near Pindari, the victim somehow managed to jump, due to which she sustained injuries on her hands, legs and face. However, the victim in her statement under Section 183 B.N.S.S. has narrated a contrary version. It is contended that the said statement has been made to aggravate the offence and to save the failing prosecution case. The inconsistencies in the first information report and the statement of the victim under Section 180 B.N.S.S. on one hand and the statement of the victim under Section 183 B.N.S.S. on the other discredit the prosecution case. The medical report does not support the prosecution case. At this stage there is no corroborative evidence to link the applicant with the offence. The applicant is in jail since 14.12.2025 having no criminal history and if he is released on bail, he will not misuse the said liberty.

5. Learned A.G.A. has opposed the prayer for bail but could not satisfactorily dispute the aforesaid submissions from the record.

6. Having heard learned counsel for the parties and after perusal of the record, this Court prima facie finds that there are inconsistencies in the first information report and the statement of the victim under Section 180 B.N.S.S. on one hand and the statement of the victim under Section 183 B.N.S.S. on the other. The medical report does not support the prosecution case. At this stage there is no corroborative evidence to link the applicant with the offence. The applicant has no criminal antecedents. Moreover, the applicant has remained confined for more than three months and after submission of the charge-sheet there is no hope of early conclusion of trial, and no reasonable apprehension has been brought to the fore by the State that the applicant, if enlarged on bail, would either tamper with the evidence or delay the trial or intimidate the witness, therefore, without commenting on the merits of the case, I am of the opinion that the applicant is entitled to be enlarged on bail.

7. Let the applicant- Amarnath Sahani, involved in the aforesaid case, be released on bail on his furnishing a personal bond and

two sureties each in the like amount to the satisfaction of Court concerned subject to the conditions that he:

- (i) shall appear on the date fixed by the trial court;
- (ii) shall not tamper with the prosecution evidence; and,
- (iii) shall not pressurize the prosecution witnesses.

8. In case of breach of any of the above conditions, the prosecution shall be at liberty to move bail cancellation application before this Court.

March 19, 2026
SKT/-

(Vivek Varma,J.)