



2026:AHC:23396

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 3633 of 2026

Kishan Kumar Pandey

.....Applicant(s)

Versus

State Of U.P. And 3 Others

.....Opposite
Party(s)

Counsel for Applicant(s) : Buddha Prakash
Counsel for Opposite Party(s) : G.A., Pramod Kumar Gupta

Court No. - 65

HON'BLE DR. GAUTAM CHOWDHARY, J.

1. Heard learned counsel for the applicant, Sri Pramod Kumar Gupta, learned counsel for the informant, learned A.G.A for the State and perused the record.

2. Learned counsel for the applicant has contended that the applicant and the victim has solemnised marriage and that the parents of the victim have also agreed for the said marriage. Learned counsel further argued that the victim in her statement recorded under Section 183 of B.N.S.S., has specifically stated that she had gone with the applicant out of her own free will and consent and had solemnised marriage with him in a temple. Physical relations were also established., copy of which statement is at page no.48 of the paper book. He further submits that the mother of the victim has filed her counter affidavit before the Special Judge POSCO Act, Court No.8, District Ballia, wherein she has categorically stated that the victim was not enticed away by anyone, rather she had gone out of her own free will, copy of which is at page no. 53 of the paper book. Learned counsel next argued that the victim is aged about 19 years and due to some mis-understanding, the instant prosecution has been initiated against the applicant. It has also been assured on behalf of the applicant that he is ready to cooperate with the process of law and shall faithfully make himself available before the court whenever required and is

also ready to accept all the conditions which the Court may deem fit to impose upon him. He next submits that applicant is languishing in jail since 04.08.2025.

3. Per contra, learned A.G.A. has opposed the prayer for bail of the applicant by contending that the innocence of the applicant cannot be adjudged at pre trial stage, therefore, he does not deserve any indulgence. In case the applicant is released on bail he will misuse the liberty of bail. However, learned counsel for informant did not dispute the submissions advanced by learned counsel for the applicant. He further submits that he has no objection, in case, the applicant is enlarged on bail.

4. Considering the entire facts and circumstances of the case, submissions of learned counsel for the parties, nature of evidence, and all attending facts and circumstances of the case, without expressing any opinion on merits of the case, this Court is of the view that the applicant has made out a case for bail. Hence the bail application is allowed.

5. Let applicant **Kishan Kumar Pandey** involved in Case Crime No.06 of 2025 under Sections 137 (2), 87, 65(1) of B.N.S., and Section 5-J (ii)/6 of POCSO Act, Police Station Dokati District Ballia, be released on bail on furnishing a personal bond and two heavy local sureties each of the like amount to the satisfaction of the court concerned subject to the following conditions:-

- i) The applicant shall not tamper with the prosecution evidence.
- ii) The applicant shall not threaten or harass the prosecution witnesses.
- iii) The applicant shall appear on the date fixed by the trial court.
- iv) The applicant shall not commit an offence similar to the offence of which the applicant is accused, or suspected of the commission.

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 such person from disclosing facts to the Court or to any police officer or tamper with the evidence.

6. In case of breach of any of the above condition, the trial Court shall be at liberty to cancel the bail of the applicant in accordance with law.

(Dr. Gautam Chowdhary,J.)

February 3, 2026

S.Ali