



2026:AHC:129669

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 21873 of 2026

Kishan Sahani

.....Applicant(s)

Versus

State Of U.P. And 3 Others

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Piyush Patel, Pradeep Kumar
Counsel for Opposite Party(s)	:	G.A.

Court No. - 69

HON'BLE RAJIV LOCHAN SHUKLA, J.

1. Heard learned counsel for the applicant, learned A.G.A. for the State and perused the record.

2. The instant bail application has been filed with a prayer to release the applicant on bail in Case Crime No. 354 of 2025, under Sections 137(2), 87, 65(1) of the BNS, Section 5j(ii)/6 of Protection of Children from Sexual Offences Act and 3(2)(v) SC/ST Act, Police Station- Shyamdeurawa, District- Maharajganj, during the pendency of the trial.

3. Learned counsel for the applicant contends that the applicant has been falsely implicated in the present case. It is submitted that the applicant neither abducted the victim nor committed rape upon her. The victim, in her statement recorded under Section 183 of the BNSS, stated that she is major and has been living with the applicant. It is further submitted that the applicant has a criminal history of one other case, in which he has already been granted bail. The applicant is in jail since 27.02.2026.

4. Learned A.G.A. has opposed the prayer for bail and contended that the victim, in her statement recorded under Section 180 of the BNSS, stated that she is a minor aged about 17 years. It is further submitted that, at the time of her medical examination, the victim was found to be pregnant, which clearly establishes the case of the prosecution.

5. I have considered the submissions made by the learned counsel for the parties.

6. The learned A.G.A. has stated that the notice was duly served upon the

informant on 22.6.2026. However, when the case was called on, no one appeared on behalf of the informant.

7. A perusal of the statement of the victim recorded under Section 183 of the BNSS indicates that she had known the applicant for nearly four years and was in a romantic relationship with him. She claims to have married the applicant and was living with him for the past two months in Bengaluru. She claims that the physical relations, that were established between them, were established with her consent. She claims to be 18 years of age. The applicant is in jail since 27.02.2026 and is not a previous convict.

8. Taking into account the entire facts and circumstances of the case, especially the statement of the victim recorded under Section 183 of the BNSS, prima facie, a case for bail is made out.

9. The bail application is allowed.

10. Let the applicant - **Kishan Sahani**, involved in the aforementioned crime be released on bail, on his furnishing a personal bond and two reliable sureties each in the like amount, to the satisfaction of the Court concerned, subject to the following conditions:

- i. The applicant will not tamper with the evidence.
- ii. The applicant will not indulge in any criminal activity.
- iii. The applicant will not pressurize/intimidate the prosecution witnesses and co-operate in the trial.
- iv. The applicant will appear regularly on each and every date fixed by the trial Court, unless his personal appearance is exempted by the Court concerned.

11. In the event of breach of any of the aforesaid conditions, the trial Court will be at liberty to proceed to cancel his/her bail.

12. It is made clear that the applicant shall be released on the basis of computer generated copy of this order, downloaded from the official website of High Court Allahabad and verified by the concerned counsel with the undertaking that the certified copy will be filed within 15 days.

13. It is further directed that the trial court shall send the release order to the concerned jail through Bail Order Management System (BOMS) to ensure early release of the applicant.

14. The observations made hereinabove are exclusively for deciding the instant bail application and shall not be construed as an opinion on the merits of the case.

(Rajiv Lochan Shukla,J.)

June 30, 2026
Kushal