



2026:AHC:128969

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 18635 of 2026

Shiv Bhole Pandey @ Bittu

.....Applicant(s)

Versus

State Of U.P. And 3 Others

.....Opposite
Party(s)

Counsel for Applicant(s) : Dharmendra Kumar Shukla, Rajesh
Kumar Shukla

Counsel for Opposite Party(s) : G.A.

Court No. - 45

HON'BLE VIVEK KUMAR SINGH, J.

1. Based on the police report, learned A.G.A. submits that notice regarding pendency of this bail has been served upon opposite party no.2/informant of the present case. Despite service of notice no one has appeared on behalf of the informant to contest the present bail application. Heard learned counsel for the applicant and the learned A.G.A. for the State of State of U.P.

2. The instant bail application has been filed seeking release of the applicant on bail in Case Crime No. 10 of 2026, under Sections 142, 70(2), 61(2), 123 BNS and Section 5G/6 POCSO Act, Police Station- Gorakhnath, District- Gorakhpur.

3. Learned counsel for the applicant submits that the applicant has been falsely implicated in the present case. He has nothing to do with the alleged offence. It is further submitted that the applicant is not named in the F.I.R. which was lodged against unknown person. When the statement of victim was recorded under Section 180 BNSS, she did not disclose the name of the applicant. The victim first time took the name of the applicant when her statement was recorded under Section 183 BNSS, however, no allegation of rape was levelled against the applicant. Only it is alleged that he attended the victim. The allegation of rape has been levelled by the victim against co-accused Aditya and Anuraj. Learned counsel for the applicant next contends that five co-accused persons, namely, Sumirunnisha @ Simran, Shivnandan Alias Aditya Mishra Alias Alok Pandit, Shailendra Kumar Sahni, Ram Bhawan Yadav and Anurag Rai have been granted bail by a Co-ordinate Bench of this Court vide order dated.4.3.2026, 6.5.2026, 6.5.2026, 16.4.2026 and 17.4.2026 respectively passed in Criminal Misc. Bail Application No. 14861 of 2026, Criminal Misc. Bail Application No. 15297 of 2026, Criminal Misc. Bail

Application No. 13940 of 2026, Criminal Misc. Bail Application No. 11904 of 2026 and Criminal Misc. Bail Application No. 12848 of 2026. He further contends that the the applicant has no criminal antecedents and he is in jail since 6.4.2026.

4. Learned A.G.A., on the other hand, opposed the prayer for grant of bail, however, he could not dispute the fact that similarly situated co-accused, namely, Sumirunnisha @ Simran, Shivnandan Alias Aditya Mishra Alias Alok Pandit, Shailendra Kumar Sahni, Ram Bhawan Yadav and Anurag Rai have been granted bail by a Co-ordinate Bench of this Court.

5. I have considered the rival submissions made by the learned counsel for the parties and perused the material brought on the record.

6. In view of the entire facts and circumstances of the case, especially taking into account the fact that the similarly situated co-accused, namely, Sumirunnisha @ Simran, Shivnandan Alias Aditya Mishra Alias Alok Pandit, Shailendra Kumar Sahni, Ram Bhawan Yadav and Anurag Rai have been granted bail by a Co-ordinate Bench of this Court and the same order has not been set aside or stayed by the Hon'ble Supreme Court, and the applicant has been languishing in jail since 6.4.2026, I deem it appropriate to enlarge the applicant on bail.

7. The bail application is **allowed**.

8. Let the applicant- **Shiv Bhole Pandey alias Bittu** who is involved in the aforementioned case crime be released on bail on his furnishing a personal bond and two sureties each in the like amount to the satisfaction of the court concerned subject to following conditions. Further, before issuing the release order, the sureties be verified.

(i) The applicant shall file an undertaking to the effect that he shall not seek any adjournment on the date fixed for evidence when the witnesses are present in Court. In case of default of this condition, it shall be open for the Trial Court to treat it as abuse of liberty of bail and pass orders in accordance with law.

(ii) The applicant shall remain present before the Trial Court on each date fixed, either personally or through his counsel. In case of his absence, without sufficient cause, the Trial Court may proceed against him under Section 229-A IPC/ 269 B.N.S.

(iii) In case, the applicant misuses the liberty of bail during trial and in order to secure his presence proclamation under Section 82 Cr.P.C./ 84 B.N.S.S., may be issued and if applicant fails to appear before the Court on the date fixed in such proclamation, then, the Trial Court shall initiate proceedings against him, in accordance with law, under Section 174-A

IPC/ 209 B.N.S.

(iv) The applicant shall remain present, in person, before the Trial Court on dates fixed for (1) opening of the case, (2) framing of charge and (3) recording of statement under Section 313 Cr.P.C. If in the opinion of the Trial Court absence of the applicant is deliberate or without sufficient cause, then it shall be open for the Trial Court to treat such default as abuse of liberty of bail and proceed against him in accordance with law.

9. In case of breach of any of the above conditions, it shall be a ground for cancellation of bail.

10. It is made clear that observations made in granting bail to the applicant shall not in any way affect the learned trial Judge in forming his independent opinion based on the testimony of the witnesses.

(Vivek Kumar Singh,J.)

June 18, 2026

Kumar Manish