



20250901:104725

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 580 of 2026

Anil Kumar

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s) : Dinesh Kumar Pandey, Manu Sharma
Counsel for Opposite Party(s) : G.A.

Court No. - 65

(Sr. No.129 out of 259)

HON'BLE KRISHAN PAHAL, J.

1. List has been revised. Rejoinder affidavit filed today is taken on record.
2. Heard Sri Manu Sharma, Sri Dinesh Kumar Pandey, learned counsels for the applicant, Sri Yogesh Mishra, learned State Law Officer for the State and perused the material placed on record.
3. Applicant seeks bail in Case Crime No.229 of 2025, under Sections 64(2)(K), 332(B), 351(3), 352 BNS, Police Station Sinduriya, District Maharajganj, during the pendency of trial.
4. As per prosecution story, the applicant is stated to have committed rape with the victim on 30.09.2025, who is stated to be a mentally challenged girl.
5. Learned counsel for the applicant has argued that the applicant is absolutely innocent and has been falsely implicated in the present case. The FIR is too prompt, as it was instituted within 7 hours. There is no medical corroboration of the incident, as the medical examination has been refused. The statement of the victim recorded under Section 183 BNSS indicates that she was fit to depose, whereby her statement indicates her to be a consenting party, as her father is stated to have reached there after hearing her shrieks and the applicant ran away from the place of occurrence biting her on her chest. The allegations of biting the victim on her chest also do not stand corroborated by any medical evidence whatsoever. The applicant has no

criminal history and is in jail since 01.10.2025. He undertakes to cooperate with the trial and not misuse the liberty of bail.

6. Learned State Law Officer has vehemently opposed the bail application but could not dispute the submissions made by the counsel for the applicant.

7. Considering the facts and circumstances of the case, submissions made by learned counsel for the parties, the evidence on record, taking into consideration the statement of the victim recorded under Section 183 BNSS, which indicates her consent and that there is no medical corroboration of the incident, and without expressing any opinion on the merits of the case, *prima-facie* the Court is of the view that the applicant has made out a case for bail. The bail application is **allowed**.

8. Let the applicant- **Anil Kumar**, be released on bail on furnishing a personal bond and two sureties to the satisfaction of the court concerned, subject to verification of sureties, with the conditions that he shall not tamper with evidence or intimidate witnesses and shall appear before the trial court as required.

9. Breach of any condition shall entail cancellation of bail. The observations herein shall not affect the trial on merits.

(Krishan Pahal,J.)

May 6, 2026
(Ravi Kant)