



2026:0001:104164

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 15302 of 2026

Shivam

.....Applicant(s)

Versus

State Of U.P. And 3 Others

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Jagadish Prasad Yadav
Counsel for Opposite Party(s)	:	G.A.

Court No. - 65

(Sr. No.39 out of 259)

HON'BLE KRISHAN PAHAL, J.

1. List has been revised. Supplementary affidavit filed by learned counsel for the applicant is taken on record.
2. Heard Sri Jagadish Prasad Yadav, learned counsel for applicant, Sri Shailendra Kumar Yadav, learned counsel for the informant, Sri Rajendra Prasad Singh, learned State Law Officer for the State and perused the material placed on record.
3. The present bail application has been filed by the applicant in Case Crime No.90 of 2026, under Sections 70(2), 351(3) B.N.S. and Section 3/4 POCSO Act, Police Station Phoolpur, District Azamgarh with the prayer to enlarge him on bail.
4. Learned counsel for the applicant has stated that the FIR is delayed by about three days and there is no explanation of the said delay caused. The victim has not raised any alarm during the said act. The story as narrated by her cannot be believed as the applicant and two other persons are stated to have abducted her and taken her to a secluded place and raped her, but there is no medical corroboration of the incident.
5. It is further argued by learned counsel for the applicant that the applicant has been implicated in the case due to local political rivalry ensuing due to coming Gram Pradhan elections. There is no criminal history of the applicant. The applicant is in jail since 12.3.2026 and he is ready to

cooperate with trial. In case, the applicant is released on bail, he will not misuse the liberty of bail.

6. Per contra, learned counsel for the informant and learned State Law Officer have vehemently opposed the bail application on the ground that as per the school certificate the victim was about 15 years old only and she has been ravished by the applicant and co-accused persons. The victim contemplated the action against the applicant as the fear of facing social stigma of rape was in her mind. It is a serious case of gang-rape, as such, the applicant is not entitled to bail.

7. After hearing learned counsel for the parties and taking into consideration the fact that it is a case of gang-rape and the victim is minor, I do not find it a fit case for grant of bail to the applicant. The bail application is found devoid of merits and is, accordingly, **rejected**.

8. However, it is directed that the aforesaid case pending before the trial court be decided expeditiously, as early as possible, in accordance with law, without granting unnecessary adjournment to either party, if there is no legal impediment.

9. It is clarified that the observations made herein are limited to the facts brought in by the parties pertaining to the disposal of bail application and the said observations shall have no bearing on the merits of the case during trial.

(Krishan Pahal,J.)

May 6, 2026
Vikas Verma