



**HIGH COURT OF JUDICATURE AT ALLAHABAD**

**CRIMINAL MISC. BAIL APPLICATION No. - 14418 of 2026**

Nanhey @ Nanhe

.....Applicant(s)

Versus

State Of U.P. And 3 Others

.....Opposite Party(s)

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|-------------------------------|---|--------------------------------|
| Counsel for Applicant(s)      | : | Ram Raj Pandey, Shubham Pandey |
| Counsel for Opposite Party(s) | : | G.A.                           |

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**Court No. - 65**  
(Sl. No.51 out of 265)

**HON'BLE KRISHAN PAHAL, J.**

1. List has been revised. As informed by learned State Law Officer, notice to the informant has been served on 29.4.2026.
2. Heard Sri Ram Raj Pandey, learned counsel for the applicant as well as Sri R.P. Patel, learned State Law Officer and perused the material placed on record.
3. Applicant seeks bail in Case Crime No. 357 of 2025, under Sections 70(2) BNS and 5G/6 POCSO Act, Police Station Salempur, District Bulandshahar, during the pendency of trial.

**ARGUMENTS ON BEHALF OF APPLICANT:**

4. The applicant is absolutely innocent and has been falsely implicated in the present case. The FIR is delayed by more than nine and a half months and there is no explanation of the said delay caused.
5. The allegations have been changed in the statement of the victim recorded u/s 183 BNSS, whereby it is stated that applicant and co-accused person Bobil had caught hold of the hands of the victim while co-accused person Chhotu raped her.
6. The said case has been foisted on the applicant out of the family rivalry, as earlier on, the sister-in-law of the informant also instituted an FIR regarding gang rape against the applicant and co-accused persons. The applicant is a mason and he owed money towards the informant, as such, to cover it up and usurp the amount due towards the applicant, the instant FIR has been instituted. The victim, by her physical appearance, seems to be major although her age is about 14 years as per her own

statement. There is no valid document to suggest that victim was minor.

7. There is a criminal history of one case assigned to the applicant, which stands explained. The applicant is languishing in jail since 9.4.2026 and he is ready to cooperate with trial. In case, the applicant is released on bail, he will not misuse the liberty of bail.

**ARGUMENTS ON BEHALF OF STATE/INFORMANT:**

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

**CONCLUSION:**

9. Considering the facts and circumstances of the case, submissions made by learned counsel for the parties, the evidence on record, taking into consideration the delay in FIR; the statement of the victim recorded u/s 183 BNSS, whereby there is no allegation of rape against the applicant and without expressing any opinion on the merits of the case, the Court is of the view that the applicant has made out a case for bail. The bail application is **allowed**.

10. Let the applicant- **Nanhey @ Nanhe**, who is involved in 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 verification of sureties, with the condition that he shall not tamper with evidence or intimidate witnesses and shall appear before the trial court as required.

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

12. 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.

**(Krishan Pahal,J.)**

**May 7, 2026**  
Shalini