



**HIGH COURT OF JUDICATURE AT ALLAHABAD  
CRIMINAL MISC. BAIL APPLICATION No. - 20669 of 2025**

Farzand Alias Faizan

.....Applicant(s)

Versus

State Of U.P. And 3 Others

.....Opposite Party(s)

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|-------------------------------|---|-------------------------------------------------|
| Counsel for Applicant(s)      | : | Arvind Kumar Singh, Atharva Dixit, Roshni Murad |
| Counsel for Opposite Party(s) | : | G.A., Prakash Sharma                            |

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**Court No. - 65**  
(Sl. No.98 out of 259)

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

1. List has been revised. Counter affidavit filed by learned counsel for the informant and third supplementary affidavit filed by learned counsel for the applicant respectively, are taken on record.

2. Heard Sri Atharva Dixit, learned counsel for the applicant, Sri Prakash Sharma, learned counsel for the informant as well as Sri Sunil Kumar, learned A.G.A. for the State and perused the material placed on record.

3. Applicant seeks bail in Case Crime No. 188 of 2024, under Sections 137(2), 87, 65(1) BNS and 3/4(2) POCSO Act, Police Station Adampur, District Varanasi, 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 was instituted against unknown persons, that too, after a delay of four days.

5. The victim has been examined during trial as PW-2 and she has completely resiled from her earlier statement given to the Investigating Officer and the allegations of the FIR. The witness has been cross-examined by the public prosecutor after declaring her hostile. Rather, she has stated that she was not enticed away by the applicant and her age has been suppressed by her parents during her cross-examination taken up during trial. There is no likelihood of conviction in the present case under the circumstances. The fundamental rights of the applicant as enshrined in Article 21 of the Constitution of India stand violated.

6. Learned counsel for the applicant has further stated that there is no criminal history of the applicant. The applicant is languishing in jail since 25.12.2024 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:**

7. The victim was minor. As per school certificate, she is 13 years old and she has supported the said fact that she studied in the school mentioned in the school certificate during her cross-examination, although she has not mentioned about her age at that time. The applicant is more than double the age of the victim.

**CONCLUSION:**

8. Considering the facts and circumstances of the case, submissions made by learned counsel for the parties, the evidence on record, taking into consideration the vacillating statement of the victim that too during her statement recorded in Court 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**.

9. Let the applicant- **Farzand Alias Faizan**, 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.

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

11. 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 6, 2026**

Shalini