2026:AHC:197806

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 19225 of 2026

Upendra Paswan

.....Applicant(s)

Versus

State Of U.P. And 3 Others

.....Opposite Party(s)

Counsel for Applicant(s)	:	Krishna Kumar Mishra, Sudhir Kumar Shukla
Counsel for Opposite Party(s)	:	G.A., Mohd Umar Farooq

Court No. - 68

(Sr. No.106.1 out of 131)

HON'BLE KRISHAN PAHAL, J.

1. List has been revised. Two rejoinder affidavits filed today are taken on record.

2. Heard Sri Sudhir Kumar Shukla, learned counsel for the applicant, Sri Mohd. Umar Farooq, learned counsel for the informant, Sri Abhishek Mishra, learned A.G.A. for the State and perused the material placed on record.

3. Applicant seeks bail in Case Crime No.63 of 2025, under Sections 351(3) B.N.S., 67 I.T. Act and 13/14 P.O.C.S.O. Act, Police Station Bansdih, District Ballia, during the pendency of trial.

4. Learned counsel for the applicant has argued that the applicant is absolutely innocent and has been falsely implicated in the present case. He has nothing to do with the said offence. A matter of a consensual relationship between two adolescents has been converted into a criminal case by the informant out of vengeance. The victim is a consenting party, as is evident from the fact that she has married the applicant and has expressed her willingness to stay with the applicant only. The said marriage was registered before the Registrar of Marriages, Ballia, on 07.08.2025, and the date of birth mentioned in the said marriage certificate is 05.08.2007. The said marriage certificate mentions that the marriage between the couple was solemnized on 13.07.2025.

5. Learned counsel for the applicant has further argued that the victim, by

her looks, seems to be major, and her age has been deliberately suppressed. The applicant is in jail since 05.02.2026, and he undertakes to cooperate with the trial and not misuse the liberty of bail.

6. Learned counsel for the informant and learned A.G.A. have vehemently opposed the bail application on the ground that the applicant has committed the said offence, as he had sent the photographs of the victim to the erstwhile groom of the victim. As such, he is not entitled to bail.

7. The Supreme Court in **Sushil Kumar vs. Rakesh Kumar, (2003) 8 SCC 673** has stated that it is more often in the Indian Society that person shows the age of their wards much below than their actual age. It is also settled by Supreme Court that as per the medical records, a leverage of two years may be granted to the accused person. In the case of **Brij Mohan Singh vs. Priya Brat Narain Sinha, AIR 1965 SC 282**, this Court, inter alia, observed that in actual life it often happens that persons give false age of the boy at the time of his admission to a school so that later in life he would have an advantage when seeking public service for which a minimum age for eligibility is often prescribed.

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 statement of the victim recorded under Section 183 B.N.S.S., which indicates her consent, 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**.

9. Let the applicant- **Upendra Paswan**, be released on bail in the aforementioned case crime 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.

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

(Krishan Pahal,J.)

September 21, 2026/(Ravi Kant)

Digitally signed by :-
RAVI KANT
High Court of Judicature at Allahabad