



2026:AHC:91710

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 26087 of 2025

Gausiya And Another

.....Applicant(s)

Versus

State of U.P.

.....Opposite

Party(s)

Counsel for Applicant(s) : Hriday Raj Tripathi, Pankaj Kumar
Shukla, Sunita Chauhan
Counsel for Opposite Party(s) : G.A.

Along with :

1. Criminal Misc. Bail Application No. 33962 of 2025:

Sahid Ansari Alias Sahjaad

Versus

State of U.P.

Court No. - 65

(Sl. No. 126 out of 259)

HON'BLE KRISHAN PAHAL, J.

1. List has been revised. Rejoinder affidavit filed today (In C.M.B.A. No. 26087 of 2025) by the learned counsel for the applicant is taken on record.

2. Since both bail applications pertain to same Case Crime Number, the same are being decided by a common order.

3. Heard Sri S.P. Singh, Advocate holding brief of Hriday Raj Tripathi (In C.M.B.A. No. 26087 of 2025) and Sri Ram Gopal Tripathi (In C.M.B.A. No.33962 of 2025), learned counsel for the applicants and Sri Jai Kishan Chaurasia, learned State Law Officer and also perused the material placed on record.

4. Applicants **Gausiya** and **Rasida Bano** seek bail in **Case Crime No. 87** of 2025 u/s 87, 61(2), 127(2), and 351(3) of the BNS, while applicant **Sahid Ansari alias Sahjaad** seeks bail in the same case u/s 87 and 69 of the BNS, all pertaining to **Police Station - Dubaulia, District - Basti**, during the pendency of trial.

5. Learned counsel for the applicants has urged that the applicants have been falsely implicated in the present case. It is further contended that the statement of the victim is vacillating and that she appears to be a consenting party. The victim is 19 years of age and, as such, is a major.

6. Learned counsel has further submitted that the allegation against applicant - Gausiya is that she recorded a video of the indecent act committed by applicant - Sahid Ansari alias Sahjaad, yet there is no recovery of any such video whatsoever. It is also stated that the applicants in the leading bail applications have been in judicial custody since 12.05.2025, and the applicant in the connected bail application has been in custody since 23.06.2025. In case, the applicants are released on bail, they will not misuse the liberty of bail and shall cooperate with trial.

7. Per contra, learned State Law Officer has vehemently opposed the bail application but unable to dispute the submissions raised by the learned counsel for the applicants and also the fact that the applicants have no criminal history.

8. Considering the facts and circumstances of the case, the submissions made by learned counsel for the parties, the nature of the offence, the severity of the punishment, and also considering the victim's statement recorded u/s 183 BNSS which indicates her consent as her involvement appears to be consensual coupled with the fact that there has been no recovery of any alleged video of the victim, I am of the view that, *prima facie*, this is a fit case to release the applicants on bail. Both the bail applications are hereby **allowed**.

9. Let the applicants- **Gausiya, Rasida Bano and Sahid Ansari Alias Sahjaad**, 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 they 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.

April 23, 2026

Siddhant

(Krishan Pahal,J.)