



2026:AHC:70789

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 30360 of 2025

Balkishun Bharti

.....Applicant(s)

Versus

State Of U.P. And 3 Others

.....Opposite
Party(s)

Counsel for Applicant(s) : Arvind Kumar Srivastava, Bhaju Ram
Pprasad Sharma
Counsel for Opposite Party(s) : G.A.

Court No. - 65
(Sl. No. 142 out of 262)

HON'BLE KRISHAN PAHAL, J.

1. List has been revised. As informed by learned A.G.A., notice to the informant has been served on 2.9.2025.
2. Heard Sri Arvind Kumar Srivastava, learned counsel for applicant, Sri D.K. Singh, learned A.G.A. 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. 191 of 2025, under Sections 65(2), 352, 351(2) BNS and 5(M)/6 POCSO Act, Police Station Kothibhar, District Maharajganj, with the prayer to enlarge him on bail.
4. Learned counsel for the applicant has argued that the applicant is absolutely innocent and has been falsely implicated in the present case. There are serious allegations against the applicant but they are false, as there is no medical corroboration. The informant has categorically refused her medical examination of the victim. Had the incident, as mentioned in the FIR, occurred, the medical examination of the victim would have certainly been conducted, and she would have been subjected to treatment as well. It is a clear-cut case of false implication, as there is a land dispute between the parties.
5. Learned counsel for the applicant has stated that the applicant is in jail since 27.6.2025 and 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 A.G.A. has vehemently opposed the bail application on the ground that the FIR is prompt. The victim is only 5 years old, while the applicant is 60 years old.

7. After hearing learned counsel for the parties and taking into consideration the FIR being prompt and the applicant is named in therein, 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 view of the principle as has been laid down in the recent judgments of the Supreme Court in the cases of ***Vinod Kumar vs. State of Punjab; 2015 (3) SCC 220*** and ***Hussain and Another vs. Union of India; (2017) 5 SCC 702***, 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.)

April 2, 2026
Shalini