



2025:AHJ:78785

**HIGH COURT OF JUDICATURE AT ALLAHABAD**

**CRIMINAL MISC. BAIL APPLICATION No. - 36087 of 2025**

Rajesh Alias Nirhu

.....Applicant(s)

Versus

State Of U.P. And 3 Others

.....Opposite  
Party(s)

Counsel for Applicant(s) : Arun Kumar Mishra, Mukesh Kumar Singh, Radha Kant Singh, Ram Awadh Saroj, Roli Dubey

Counsel for Opposite Party(s) : G.A., Hare Ram Pandey

**Court No. - 65**

(Sl. No. 153 out of 323)

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

1. List has been revised. Counter affidavit filed by learned counsel for the informant is taken on record.
2. Heard Sri Ram Awadh Saroj, learned counsel for applicant, Sri Amit Kumar Mishra, learned Advocate holding brief for Sri Hare Ram Pandey, 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. The present bail application has been filed by the applicant in Case Crime No. 0134 of 2025, under Sections 137(2), 142, 64(1), 70 BNS and 5g/6 POCSO Act, Police Station Vindhyachal, District Mirzapur, 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. The allegations are per se false. The applicant is not named in the FIR. His name has come up for the first time in the statement of the victim recorded u/s 183 BNSS. The radiological age of the victim is 18-19 years, as such she was major and is the consenting party as far as the applicant is concerned. The FIR is delayed by about two days and there is no explanation of the said delay caused. There is no medical corroboration of the incident. The statement of the victim recorded u/s 180 and 183 BNSS are contradictory to each other, as such, the applicant is entitled for bail.

5. Learned counsel for the applicant has stated that the applicant has no criminal history and is in jail since 5.5.2025 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 and learned counsel for the informant have vehemently opposed the bail application on the ground that it is a case of gang rape and the victim has categorically nominated the applicant in her statement recorded u/s 183 BNSS.

7. After hearing learned counsel for the parties and taking into consideration the fact that the victim has categorically nominated the applicant in her statement recorded u/s 183 BNSS, 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 7, 2026**

Shalini