HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL APPEAL No. - 4697 of 2026

Aditya Mishra @ Abhay Mishra @ Ubhay

.....Appellant(s)

Versus

State of U.P. and Another

.....Respondent(s)

Counsel for Appellant(s)	:	Naresh Kumar Pandey, Ravindra Kumar Mishra
Counsel for Respondent(s)	:	G.A.

Court No. - 74

HON'BLE SAMIT GOPAL, J.

1. Heard Sri Ravindra Kumar Mishra, learned counsel for the appellant, Sri Bade Lal Bind, learned A.G.A. appearing for the State and perused the record.

2. This criminal appeal under Section 14A(2) of SC/ST (Prevention of Atrocities) Act, 1989 has been filed by the appellant Aditya Mishra @ Abhay Mishra @ Ubhay, with prayer to set aside the impugned order dated 01.04.2026 passed by the learned Special Judge (S.C./S.T. act), Kaushambi in Bail Application N0. 36/2026 (Aditya Mishra alias Abhay alias Ubhay Versus State of U.P.) arising out of case crime no. 36 of 2026 under sections 64(1),115(2),352,351(2),333 B.N.S. corresponding sections of I.P.C. are 376(1), 321, 504, 506,452 of I.P.C. and 3(2)VA, 3(1) D of SC/ST Act Police Station Sandipanghat, District Kaushambi.

3. Notices were issued to the opposite party no. 2/ informant/ victim through speed post on 08.05.2026. As per office report dated 29.07.2026, notice has been served upon opposite party no. 2 personally. Report regarding service of notice has been placed on record as Flag-A. This Court perused the said report of In- Charge Chief Judicial Magistrate, Kaushambi dated 23.07.2026. Along with the said report, a report of concerned police station along with the signature of the opposite party no. 2 is also enclosed, which has been perused.

4. A counter affidavit dated 20.5.2026 of the State is on record, in

which also in paragraph no. 4, it is averred that notice has been served on opposite party no. 2. The proof of service of notice is annexed as annexure C.A.-1. Despite service of notice on the opposite party no. 2 twice, there is no representation on her behalf, neither, she is present before the court, even on revised call.

5. Rejoinder affidavit dated 27.07.2026 to the counter affidavit of the State has also been filed, which is on record. The court proceeds to hear the matter.

6. The FIR was lodged on 16.02.2026 by the victim/opposite party no. 2 against the appellant alleging therein that she lived in a rented room in the village and was doing studies of A.N.M. On 21.11.2025 at about 5.00 P.M., she had gone to the market from where, the appellant followed her and forcibly entered her rented room. While catching her neck, he tried to murder her and committed rape upon her. He also made objectionable video. Threatening her to make the video viral, he raped her many times. On 12.02.2026 at about 8.00 P.M.,he again came to her room and tried to commit rape upon her which was opposed by her and he also assaulted her with belt and used caste related words.

7. Learned counsel for the appellant submitted that the appellant has been falsely implicated in the present case. It is submitted that investigation in the matter has concluded and charge-sheet has been submitted against the appellant. Paragraph no. 18 of the affidavit and annexure-11 being charge-sheet has been placed before this court. While placing paragraph no. 23 of the affidavit it is submitted that the appellant and victim were acquainted with each other and used to chat with each other and the victim honey-trapped the appellant to fulfill her desire and tried to extort money from him forcefully. The victim made force to marry with her, then she lodged the present FIR. It is submitted that the appellant has no criminal history as stated in paragraph no. 5 of the affidavit. The appellant is in jail since 19.02.2026.

8. Per contra, learned A.G.A. for the State opposed the prayer of bail and submitted that appellant is named in the FIR and also in the

statements of victim recorded during investigation. It is submitted that although as per the school record, date of birth of victim is 01.01.2006 but the Chief Medical Officer concerned, vide his certificate dated 26.02.2026, has opined her age about above 17 years and below 18 years. It is submitted that there are allegations of rape against the appellant. It is submitted that defense of appellant is of denial which is totally false. It is submitted that there is no reason for false implication of the appellant.

9. After having heard the learned counsel for the parties and perusing the record, it is evident that the appellant is named in the FIR and in the statement of victim. Charge-sheet has been submitted against the appellant. The case of the appellant is of denial. The prosecution case is consistent in which there is specific allegation of rape against the appellant. There is no ground for bail.

10. Accordingly, the prayer for bail and appeal stand dismissed.

(Samit Gopal,J.)

November 2, 2026
Gss

Digitally signed by :-
GIRAJA SHANKER SHARMA
High Court of Judicature at Allahabad