2026:AHC:212437

# HIGH COURT OF JUDICATURE AT ALLAHABAD

## CRIMINAL MISC. BAIL APPLICATION No. - 31944 of 2026

Rajkumar Paswan

.....Applicant(s)

Versus

State Of U.P. And 3 Others

.....Opposite Party(s)

| | | |
|---|---|---|
| Counsel for Applicant(s) | : | Alauddin |
| Counsel for Opposite Party(s) | : | G.A. |

**Court No. - 67**

**HON'BLE JITENDRA KUMAR SINHA, J.**

**1**. Heard Mr. Alauddin, learned counsel for the applicant and Sri Uma Shanker Mishra, learned A.G.A. for the State and perused the record.

**2**. The instant bail application has been filed with a prayer to release the applicant on bail in Case Crime No. 266 of 2024, under Sections 137(2), 87, 65(1) of BNS and Section 5/6 of POCSO Act, Police Station Shohratgarh, District Siddharth Nagar, during the pendency of the trial.

**3.** At the very outset, learned AGA submits that notice has been served on the first informant.

**4**. It is contended by the learned counsel for the applicant that the applicant has been falsely implicated in the present case and the victim in her statement recorded under Sections 180 and 183 BNSS has stated that she had left her home on her free will and she had entered into matrimonial alliance with the applicant with her free consent and she has given birth to a child and she is living with family members of the applicant. It is further submitted that the age of the victim has been mentioned in the FIR as 18 years and the victim in her statement under Section 180 BNSS has stated that she is aged about 19 year and under Section 183 BNSS she is aged about 16 years, however, the age of the victim has been found to be 16 years as per certificate of school first attended and no radio-logical examination of the victim has been conducted for her age determination. It is also submitted that the applicant has been languishing in jail since 1.8.2026 and he is having no

criminal history. It is lastly submitted that in case the applicant is granted bail, he will not misuse the liberty of bail and would cooperate in the trial proceedings.

**5**. Per contra, learned A.G.A. has vehemently opposed the prayer for bail, however, it is submitted that the the victim is a minor girl aged about 16 years as per certificate of school first attended.

**6**. As per the allegation in the FIR, some unknown person is said to have enticed away the daughter of the first informant aged about 18 years, however, the victim has been recovered and the victim in her statement recorded under Sections 180 and 183 BNSS has stated that she had left her home on her free will and she had entered into matrimonial alliance with the applicant with her free consent and she has given birth to a child and she is living with family members of the applicant. The age of the victim has been mentioned in the FIR as 18 years and the victim in her statement under Section 180 BNSS has stated that she is aged about 19 year and under Section 183 BNSS she is aged about 16 years, however, the age of the victim has been found to be 16 years as per certificate of school first attended and no radio-logical examination of the victim has been conducted for her age determination. The applicant has been languishing in jail since 1.8.2026 and he is having no criminal history.

**7**. Considering the entire facts and circumstances of the case, submissions of learned counsel for the parties and keeping in view the nature of offence, evidence, complicity of the accused and taking into account overcrowded jails and heavy pendency of criminal cases before the trial courts as well as considering the mandate of the judgement of the Apex Court in the case of ***Kapil Wadhawan vs Central Bureau of Investigation*** reported in 2025 SCC OnLine SC 3038 as well as guideline of this Court in the case of ***Maya Tiwari Vs. State of U.P.*** reported in 2024 SCC Online All 6765 regarding grant of bail and without expressing any opinion on the merits of the case, I am of the opinion that the applicant is entitled to be enlarged on bail.

**8**. Accordingly, the present application is **ALLOWED**.

**9**. Let the applicant- **Rajkumar Paswan** involved in the aforementioned

crime be released on bail, on his furnishing a personal bond and two sureties each in the like amount, to the satisfaction of the court concerned, with the following conditions:-

(i) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

(ii) The applicant shall cooperate in the trial/investigation sincerely without seeking any adjournment.

(iii) The applicant shall not indulge in any criminal activity or commission of any crime after being released on bail.

(iv) The applicant shall attend in accordance with the conditions of the bond executed by him.

**10**. In case of breach of any of the above conditions, it shall be a ground for cancellation of bail.

**11.** Identity, status and residence proof of the applicant and sureties be verified by the court concerned before the bonds are accepted. Verification of mobile number and Aadhaar card of the applicant as well as sureties should be verified by the court concerned.

**12**. It is further directed that the trial court shall send the release order to the concerned jail through Bail Order Management System (BOMS) to ensure early release of the applicant.

**13**. Office is directed to send a copy of this order to the applicant through **concerned Jail Superintendent** via e-mail or e-prison portal within 24 hours in compliance of the order of the Apex Court in the case of **Policy Strategy for Grant of Bail, In Re: Suo Motu Writ Petition (Crl.) No.4 of 2021 decided on 31.01.2023** reported in (2024) 10 SCC 685.

**(Jitendra Kumar Sinha,J.)**

**October 9, 2026**
Abhishek

Digitally signed by :-
ABHISHEK AGRAHARI
High Court of Judicature at Allahabad