HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 33503 of 2026

Prince Yadav

.....Applicant(s)

Versus

State Of U.P. And 3 Others

.....Opposite Party(s)

Counsel for Applicant(s)	:	Ripusudan Dubey, Savita Dubey
Counsel for Opposite Party(s)	:	Ankur Vishwakarma, G.A., Tanzila Parveen

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Court No. - 65

HON'BLE SAMEER JAIN, J.

1. Heard Sri Ripusudan Dubey, learned counsel for the applicant; Sri Tanzila Parveen, learned counsel for the informant and Sri Imran Khan, learned AGA for the State-respondent.

2. The instant application has been filed seeking release of the applicant on bail in Case Crime No. 201 of 2026, under Sections 137(2), 87, 65(1) BNS and 3/4 POCSO Act, Police Station Urua Bazar, District Gorakhpur, during pendency of the trial in the court below.

3. Learned counsel for the applicant submitted that however as per prosecution applicant firstly enticed away the daughter of the informant who was minor and subsequently, made physical relationship with her but entire allegations levelled against the applicant are totally false and applicant never committed alleged offence.

4. He further submitted that actually victim is major aged about 18 years and applicant and victim both were having affair and she herself had gone alongwith the applicant to Delhi and when this fact was revealed to her mother then she lodged FIR of the present case and as informant i.e. mother of the victim had already lodged FIR of the present case, therefore, victim in her both the statements recorded under sections 180 and 183 BNSS started making allegation of rape against the applicant. He next submits, even from her both the statements it reflects, she went alongwith the applicant to Delhi and on the way she did not raise any alarm and this fact also supports the defence version.

5. He further submitted that however as per school record victim was 13 years 7 months old but in the FIR her age has been disclosed as 17 years and as victim is the student of class 11th therefore, prima facie it reflects, the age of the victim disclosed by her parents in her school record is wrong and no reliance can be placed on her such date of birth.

6. He further submitted that apart from the present case applicant is having criminal history of one another case but that case relates to minor offence.

7. He further submitted that in the present matter applicant is in jail since 12.8.2026.

8. Per contra, learned AGA as well as learned counsel for the informant opposed the prayer for bail and submitted that as per school record including the high school certificate of the victim, she was 13 years 7 months old and even she in her both the statements recorded during investigation stated against the applicant and therefore, applicant does not deserve bail and instant bail application may be dismissed.

9. I have heard learned counsel for the parties and perused the record of the case.

10. However as per school record victim appears to be 13 years 7 months old and even she in her both the statements recorded under sections 180 and 183 BNSS stated that applicant committed rape upon her but from the record, it reflects victim is in class 11th and she has already passed class 10th. Considering this fact, date of birth of the victim disclosed in her school record, prima facie, appears to be doubtful.

11. Further, even story narrated by the victim in her both the statements recorded under sections 180 and 183 BNSS, prima facie, appears to be doubtful. Further, even from her both the statements recorded during investigation it reflects, she alongwith the applicant went up to Delhi and on the way she did not raise any alarm. Considering this fact the defence taken by learned counsel for the applicant cannot be completely ruled out, at this stage.

12. Further on query about the age of the applicant, learned AGA submitted that as per the date of birth disclosed in the charge sheet of the case, applicant is about 19 years old, therefore, applicant appears to be a boy of tender age.

13. Further, apart from the present case applicant is having criminal history of one another case but that case relates to minor offence.

14. Further, in the present matter applicant is in jail since 12.8.2026 i.e for about two and half months.

15. Therefore, considering the facts and circumstances of the case, discussed above, in my view, applicant is entitled to be released on bail.

16. Accordingly, without expressing any opinion on the merits of the case, the instant bail application is **allowed**.

17. Let the applicant-**Prince Yadav,** be released on bail in the aforesaid case on 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 appear before the trial court on the dates fixed, unless his personal presence is exempted.

(ii) The applicant shall not directly or indirectly, make 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 any police officer or tamper with the evidence.

(iii) The applicant shall not indulge in any criminal and anti-social activity.

18. In case of breach of any of the above condition, the prosecution will be at liberty to move an application before this Court for cancellation of the bail of the applicant.

19. 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.

October 29, 2026
Ankita

(Sameer Jain,J.)

Digitally signed by :-
ANKITA SRIVASTAVA
High Court of Judicature at Allahabad