HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 33207 of 2026

Vishwajeet Patel Alias Aryan

.....Applicant(s)

Versus

State Of U.P. And 3 Others

.....Opposite Party(s)

Counsel for Applicant(s)	:	Amarnath Tripathi
Counsel for Opposite Party(s)	:	G.A.

Court No. - 65

HON'BLE SAMEER JAIN, J.

1. Sri Vijay Bahadur Maurya, learned AGA submitted that on 14.9.2026 notice has been served to informant but it reflects, despite service of notice none appeared on behalf of informant. Therefore, considering the observation made by co-ordinate Bench of this Court vide order dated 11.1.2021 passed in the case of **Ajeet Chaudhary vs State Of U.P. and Another (AIR ONLINE 2021 ALL 1149),** the instant bail application is being heard.

2. Heard Sri Amarnath Tripathi, learned counsel for applicant, Sri Vijay Bahadur Maurya, learned AGA for the State.

3. The instant bail application has been filed seeking release of the applicant on bail in Case Crime No.157 of 2026, under Sections 137(2), 87, 64(1) BNS and Section 3/4 POCSO Act, Police Station Kachhwa, District Mirzapur, during pendency of the trial.

4. Learned counsel for applicant submits, however, as per allegation, victim was minor and applicant made physical relationship with her, but entire allegation leveled against applicant are totally false.

5. He next submits from the statements of victim recorded under sections 180 and 183 BNSS it is apparent that she herself had gone along with applicant and even it reflects she already performed marriage with applicant.

6. He further argues even as per school record, victim was 17 years old and considering her statement applicant, prima facie, appears to be innocent.

7. He further argues applicant is not having any criminal history and in the present matter he is in jail since 5.8.2026 i.e. for last almost three months.

8. Per contra, learned A.G.A., however, opposed the prayer for bail but could not dispute the argument on facts advanced by learned counsel for applicant.

9. I have heard both the parties and perused the record of the case.

10. From the statements of victim recorded under sections 180 and 183 BNSS, it reflects she herself had gone along with applicant and even from her statement under sections 183 BNSS, it reflects she had already performed marriage with applicant.

11. Further, however, as per school record, victim was about 17 years old, but considering the statements of victim in considered view of this Court, it is not proper to withhold the instant bail application merely on this ground.

12. Further, applicant is not having any criminal history and in the present matter, he is in jail since 5.08.2026 i.e. for last almost three months.

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

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

15. Let the applicant - **Vishwajeet Patel @ Aryan** 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.

16. 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.

17. 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 27, 2026
Kumar Manish

(Sameer Jain,J.)

Digitally signed by :-
MANISH TRIPATHI
High Court of Judicature at Allahabad