HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 33522 of 2026

Manish Prasad Gond

.....Applicant(s)

Versus

State Of U.P. And 3 Others

.....Opposite Party(s)

Counsel for Applicant(s)	:	Ajay Kumar Gautam, Harish Chandra Mishra
Counsel for Opposite Party(s)	:	G.A., Virendra Kumar

Court No. - 65

HON'BLE SAMEER JAIN, J.

1. Heard Sri Harish Chandra Mishra, learned counsel for the applicant; Sri Virendra Kumar, 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. 59 of 2026, under Sections 137(2), 87, 65(2) BNS and 5M/6 POCSO Act, Police Station Ubhaon, District Ballia, during pendency of the trial in the court below.

3. Learned counsel for the applicant submitted that however as per school record victim was about 12 years old but it reflects age of the victim has been wrongly mention in her school record as in her both the statements recorded under sections 180 and 183 BNSS victim categorically stated that she was having affair with the applicant and it also reflects, she herself had gone alongwith the applicant and even performed marriage with him and it is hard to believe that a girl aged about 12 years can develop relationship with any person.

4. He further submitted that actually victim is about or above 18 years of age and applicant is also of similar age group about 20 years of age and both fell in love and even after that both have performed marriage and after considering the statements of the victim instant bail application should not be dismissed merely considering her age disclosed in her school record.

5. He further submitted that even from the record it reflects, date of birth of the victim disclosed by the prosecution is based on her school record of class

7th-8th and there is no material on record whether victim first attended the school and therefore, considering the overall facts and circumstances of the case date of birth of the victim disclosed by prosecution appears to be doubtful.

6. He further submitted that applicant is having no previous criminal history and he is in jail in the present matter since 6.8.2026.

7. Per contra, learned AGA as well as learned counsel for the informant opposed the prayer for bail and submitted that however victim in her both the statements recorded under sections 180 and 183 BNSS stated that she was having affair with the applicant and she had already performed marriage with him but as per school record she is 12 years old and therefore, her consent is immaterial. They however could not dispute the fact that this date of birth of the victim is based on her class7th-8th records.

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

9. However as per the school record of class 7th-8th of the victim she is about 12 years old but from her both the statements recorded during investigation it reflects, she was having affair with the applicant and even she had performed marriage with him.

10. Considering the statements of the victim and the fact that during investigation Investigating Officer could not collect any evidence with regard to the first attended school of the victim, prima facie, date of birth of victim disclosed in the class 7th-8th records appears to be doubtful and merely on the basis of such date of birth, prima facie, it cannot be said that victim was 12 years old.

11. Further, applicant is having no previous criminal history and in the present matter he is in jail since 6.8.2026 i.e. for last more than two and half months and he also appears to be a young boy aged about 19-20 years.

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

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

14. Let the applicant-**Manish Prasad Gond,** 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.

15. 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.

16. 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