2026:AHC:207348

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 40502 of 2025

Manoj Beldar

.....Applicant(s)

Versus

State of U.P.

.....Opposite Party(s)

Counsel for Applicant(s)	:	Hare Ram Pandey, Kavish Suhail, Sanjeev Kumar Yadav
Counsel for Opposite Party(s)	:	G.A., Varun Shankar Dwivedi

Court No. - 74

HON'BLE SAMIT GOPAL, J.

1. List revised.

2. Heard Sri Hare Ram Pandey, learned counsel for the applicant, Sri Varun Shankar Dwivedi, learned counsel for the first informant and Sri Ram Prakash Shukla, learned counsel for the State and perused the material on record.

3. This is second bail application of the applicant. The first bail application of the applicant was rejected by this Court vide order dated 21.07.2025 passed in Criminal Misc. Bail Application No. 24121 of 2025 (Manoj Beldar Vs. State of U.P.).

4. This bail application under Section 483 of B.N.S.S. has been filed by the applicant- **Manoj Beldar**, seeking enlargement on bail during trial in connection with Case Crime No. 167 of 2025, under Section 64(1), 118(1), 333 B.N.S., Police Station Gola, District Gorakhpur.

5. Learned counsel for the applicant submits while placing Annexure-1 of the supplementary affidavit dated 19.01.2026 that the victim was examined as P.W.-1 before the trial court who has not supported the prosecution case and has been declared hostile. It is submitted that the victim has stated that two persons entered in the house who had covered their face with cloth. It is submitted while placing supplementary affidavit dated 27.09.2026 which is also on record that Vidur the father-in-law of the victim was examined as P.W.-2 who has also not supported the prosecution case and has been

declared hostile. It is further submitted that Ram Lakhan @ Lakshman the husband of the victim / P.W.-1 has been examined as P.W.-3 who has also not supported the prosecution case and has been declared hostile. It is next submitted that Shravan a person of village of the victim was examined as P.W.-4 who has also not supported the prosecution case and has been declared hostile, the said statements have been placed before the Court which are annexed as Annexure- SA-1 to SA-3 to the said supplementary affidavit. It is submitted that thus the implication of the applicant in the present matter is false. The applicant has no criminal history as stated in para 23 of the affidavit and is in jail since 27.05.2025.

6. *Per contra*, learned counsel for the State opposed the prayer for bail.

7. After having heard learned counsel for the parties and perusing the record, it is evident that this is second bail application of the applicant. The first bail application of the applicant was rejected by this Court vide order dated 21.07.2025. The trial in the matter has started in which the victim, Vidur the father-in-law of the victim and Ram Lakhan @ Lakshman the husband of the victim have been examined as P.W.-1, P.W.-2 and P.W.-3 respectively before the trial court who have not supported the prosecution case and have been declared hostile. Further Shravan a person of village of the victim has been examined as P.W.-4 who has also not supported the prosecution case and has been declared hostile.

8. Looking to the facts and circumstances of this case, the nature of evidence and also the absence of any convincing material to indicate the possibility of tampering with the evidence, this Court is of the view that the applicant may be enlarged on bail.

9. Let the applicant- **Manoj Beldar**, be released on bail in the aforesaid case crime number on furnishing a personal bond and two sureties each in the like amount to the satisfaction of the court concerned with the following conditions which are being imposed in the interest of justice:-

(i) The applicant will not tamper with prosecution evidence and will not harm or harass the victim/complainant in any manner whatsoever.

(ii) The applicant will abide the orders of court, will attend the court on every date and will not delay the disposal of trial in any manner whatsoever.

(iii) The applicant shall file an undertaking to the effect that he shall not seek

any adjournment on the date fixed for evidence when the witnesses are present in court. In case of default of this condition, it shall be open for the trial court to treat it as abuse of liberty of bail and pass orders in accordance with law.

(iv) The applicant will not misuse the liberty of bail in any manner whatsoever. In case, the applicant misuses the liberty of bail during trial and in order to secure his presence proclamation under section 84 B.N.S.S., 2023 may be issued and if applicant fails to appear before the court on the date fixed in such proclamation, then, the trial court shall initiate proceedings against him, in accordance with law, under section 209 B.N.S., 2023.

(v) The applicant shall remain present, in person, before the trial court on dates fixed for (1) opening of the case, (2) framing of charge and (3) recording of statement under Section 351 B.N.S.S., 2023. If in the opinion of the trial court absence of the applicant is deliberate or without sufficient cause, then it shall be open for the trial court to treat such default as abuse of liberty of bail and proceed against him in accordance with law and the trial court may proceed against him under Section 269 B.N.S., 2023.

(vi) The trial court may make all possible efforts/endeavour and try to conclude the trial expeditiously after the release of the applicant.

10. The identity, status and residential proof of sureties will be verified by court concerned and in case of breach of any of the conditions mentioned above, court concerned will be at liberty to cancel the bail and send the applicant to prison.

11. Since the prosecutrix has completely denied the prosecution version and has stated that the applicant has not committed rape with her, she is not entitled to the benefit of any compensation paid by the State Government which has been collected from the taxpayers of the country. The trial court will consider issuance of a direction against the prosecutrix to refund the amount received by her as compensation, if any, in the appropriate head of the treasury account.

12. However, it is directed that launching of prosecution against the prosecutrix/victim be proceeded in view of para 11 of the judgment in the case of **"Aman Vs. State of U.P. and 3 others" : Criminal Misc. Bail Application No. 41458 of 2023 dated 02.02.2024** which reads as under:

"11. अतः न्यायालय यह आदेशित करती है कि यदि पीड़िता के पक्ष द्वारा जो धन सरकार से लिया गया है, वह उसको ब्याज के साथ वापस करे और संबंधित अधीनस्थ न्यायालय अगर यह पाती है कि विपक्षी पक्ष द्वारा गलत मुकदमा किया गया था, तो उनके विरुद्ध भी अभियोजन की कार्यवाही की जाए। इस आदेश की एक प्रति संबंधित अधीनस्थ न्यायालय एवं जिलाधिकारी को प्रेषित की जाए कि यदि वर्तमान प्राथमिकी गलत पायी जाती है तो, पीड़िता को मिले धन की राजस्व के रूप में वसूली करके सरकारी खाते में जमा करे और संबंधित अधीनस्थ न्यायालय पीड़िता एवं उसके पक्ष के विरुद्ध अभियोजन चलाये।"

13. The bail application is **allowed**.

14.Pending application (s), if any, shall stand disposed of.

October 5, 2026
AS Rathore

(Samit Gopal,J.)

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