HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 37791 of 2026

Kishan Kumar

.....Applicant(s)

Versus

State of U.P.

.....Opposite Party(s)

Counsel for Applicant(s)	:	Priya Dubey, Ravi Jha, Sharadey Mishra
Counsel for Opposite Party(s)	:	G.A.

Court No. - 68

HON'BLE KRISHAN PAHAL, J.

1. List has been revised.

2. Heard Sri Ravi Jha, learned counsel for the applicant, Sri Rajendra Prasad Singh, learned State Law Officer for the State and perused the material placed on record.

3. Applicant seeks bail in Case Crime No.13 of 2026, under Section 70(1), 351(3) BNS, Police Station Muhammadabad, District Mau, during the pendency of trial.

4. This is the second bail application on behalf of the applicant. The first bail application was rejected by this Court vide order dated 28.4.2026 passed in Criminal Misc. Bail Application No.12983 of 2026.

5. Learned counsel for the applicant has stated that the applicant is absolutely innocent and has been falsely implicated in the present case. It is contended that the victim, while being examined as PW-1, categorically denied the allegation of gang rape against the applicant and the other accused persons during her cross-examination conducted on the same day. Although, she has been declared hostile subsequently. As such, there is no likelihood of conviction of the applicant in the present case.

6. Learned counsel for the applicant has further stated that there is no criminal history of the applicant. The applicant is languishing in jail since 15.1.2026 and he is ready to cooperate with trial. In case, the applicant is

released on bail, he will not misuse the liberty of bail.

7. Learned A.G.A. has vehemently opposed the bail application but could not dispute the submissions made by the counsel for the applicant.

8. Considering the facts and circumstances of the case, submissions made by learned counsel for the parties, the evidence on record, taking into consideration the fact that the victim has turned hostile during trial, and without expressing any opinion on the merits of the case, the Court is of the view that the applicant has made out a case for bail. The bail application is **allowed**.

9. Let the applicant- **Kishan Kumar**, be released on bail in the aforementioned case crime on furnishing a personal bond and two sureties to the satisfaction of the court concerned, subject to verification of sureties, with the conditions that he shall not tamper with evidence or intimidate witnesses and shall appear before the trial court as required.

10. Breach of any condition shall entail cancellation of bail. The observations herein shall not affect the trial on merits.

(Krishan Pahal,J.)

October 24, 2026
Vikas Verma

Digitally signed by :-
VIKAS VERMA
High Court of Judicature at Allahabad