

IN THE COURT OF SESSIONS JUDGE, AZAMGARH.
PRESENT: OM PRAKASH MISHRA-III, H.J.S.(I/c. Sessions Judge)
(J.O. Code U.P. 2671)

UPAZ010052742026



Bail Application No. 2211 of 2026

Vishal @ Prince Modanwal aged about 19 yrs, s/o Rajendra Modanwal, r/o Kakarahi Dulari, P.S. Bilariyaganj, District Azamgarh.

-----**Accused/applicant.**

Versus

State of U. P.

-----**Opposite Party.**

UPAZ010053382026



Bail Application No. 2235 of 2026

Subham @ Anurag Rajbhar aged about 21 yrs, s/o Kailash Rajbhar, r/o Ismailpur Goriya, P.S. Bilariyaganj, District Azamgarh.

-----**Accused/applicant.**

Versus

State of U. P.

-----**Opposite Party.**

ORDER

22.06.2026

1. Both the aforementioned bail applications have been filed under Section 483 B.N.S.S., on behalf of the accused-applicants **Vishal @ Prince Modanwal and Subham @ Anurag Rajbhar**, arising out of Case Crime No. **128/2026**, under **Sections 137(2), 87 B.N.S.**, P.S. **Bilariyaganj**, District Azamgarh, along with the prayers to enlarge them on bail. The applicants/accused is detained in jail.
2. Both the above mentioned bail applications are related to the same incident and the same case crime number, so from the point of view of convenience, they are being disposed of together.
3. In support of the present bail application, Two affidavits have been filed by Rajendra Modanwal and Meela respectively to the effect that all the facts mentioned in the bail application are correct. Neither anything is false nor any facts has been hidden.
4. In brief, the alleged FIR has been lodged by the complainant Vinay Yadav alleging therein that "I have two daughters, aged 17 years and 15 years respectively. It had come to my notice that Shubham alias Anurag Rajbhar and Arun Kumar were in communication with my elder and younger daughters respectively. Upon knowing about this, I had personally confronted both accused and advised them to desist from such contact. On 18.05.2026, at about 07:30 PM, both Shubham alias Anurag Rajbhar and Arun Kumar enticed my two daughters and kidnapped them. We conducted an extensive search for both of my daughters but were unable to locate them. Subsequently, I visited the residences of the aforementioned individuals to inquire about them, where their family members informed that they were also missing from their homes."
5. Learned counsels for both the applicant have jointly stated that the applicants are innocent and due to enmity, they have falsely been implicated in this case. The FIR has been lodged after an inordinate delay of 1 day and no reasonable explanation for such delay has been provided by the prosecution. The applicant **Vishal @ Prince Modanwal** is not named in the FIR. According to the FIR, the complainant's daughters were in communication with two boys. Upon knowing about this, the complainant, out of personal grievance, physically assaulted both his daughters and expelled them from his house. The applicant **Vishal** alias **Prince**

Modanwal has no connection or association whatsoever with the two individuals mentioned in the FIR with whom the complainant alleged his daughters were in contact. The applicants namely Vishal alias Prince Modanwal and Shubham alias Anurag have no prior criminal history and they are languishing in jail since 21.05.2026. In case they are released on bail, they will not misuse their liberty of bail. Prayer has made to allow this bail application.

6. Per contra, learned D.G.C. (Crl.) appearing for the state has vehemently opposed the bail application and submitted that the applicant Subham @ Anurag Rajbhar is named in the FIR and the name of the applicant Vishal @ Prince Modanwal came into the light during the course of investigation on the basis of sufficient evidence. The applicant Subham @ Anurag Rajbhar along with other co-accused enticed and kidnapped the complainant's minor daughter/victim, whereas the applicant Vishal @ Prince Modanwal has also been fully involved in the commissions of the aforesaid crime. The offence committed by the applicants/accused is serious in nature. Therefore, on the above grounds, it is prayed to reject the bail application of the applicant/accused.

Heard learned counsel for the applicant/accused and learned D.G.C. (Crl.) for the State and perused the records.

7. As per the FIR, allegations against the applicants/accused has been made by the complainant that the applicant/accused Shubham @ Anurag Rajbhar, in collusion with other co-accused, enticed and kidnapped the complainant's minor daughters/victims, aged approximately 17 years and 15 years, and took them away with him."

8. Upon perusal of the marksheets, which are available on record, it is found that the date of birth of the complainant's younger daughter/victim is mentioned as 04.08.2011 in her class 8th marksheet and the date of birth of the another complainant's elder daughter/victim is mentioned as 11.08.2009 in her class 10th marksheet, from which it is evident that the said victims are approximately 15 yrs and 17yrs of age and are minor. The complainant's daughters/victims have supported the prosecution version as stated in the FIR in their statements u/s. 180 BNSS.

9. The complainant's younger daughter/victim has clearly stated in her statement u/s. 183 BNSS that 'on 18.05.2026, my sister and I were returning from school at 2:00 PM when Anuj, Shubham alias Anurag Rajbhar, and Vishal met us on the way in a four-wheeler. They took both my sister and me to the Ram Mandir in Ayodhya. There, outside the Ram Mandir, he forcibly applied sindoor (vermilion) on my sister's forehead and married her. Thereafter, they brought us back to Azamgarh and left both of us at the Kaptanganj Police Station. Anurag threatened us that if we told our parents, he would kill us. Anurag Rajbhar had previously orchestrated the assault of my father and brother.'

10. Similarly, the complainant's elder daughter/victim has also stated the approximately same version in her statement u/s. 183 BNSS that 'on 18.05.2026, at 2:00 PM, I were returning from school, along with my younger sister. On the way, we were intercepted by Anurag Rajbhar and Vishal, who were in a car. Anurag forcibly took away both my sister and me by that car. They then took me to the Ram Mandir in Ayodhya, where he forcibly married me. Subsequently, they returned to Azamgarh and left both my sister and me at the Kaptanganj Police Station.'

11. Upon perusal of the statements u/s. 183 BNSS of both the victims, it is found that When both the minor victims were returning from their school, they were intercepted by the applicants/accused, who were in a car. They forcibly made both the victims board their car and took them to Ayodhya, where Anurag @ Shubham Rajbhar forcibly solemnized a marriage with the complainant's elder daughter/

victim at the Ram Mandir. As far as the question of no injuries being found in the medical reports of the victims is concerned, the matter pertains to the kidnapping of minor victims by enticing/alluring them, therefore, the mere absence of injuries cannot be considered sufficient to reject the prosecution's case at this stage. Similarly, the issue of delay in lodging the FIR is a matter of appreciation of evidence, which would be appropriate to be examined during the trial. In the present case, both victims (aged approximately 17 and 15 years) are minors, and the role of the applicants/accused are clearly indicated in their judicial statements. The offense committed by the applicants/accused is of serious nature. Hence, keeping in view the above facts and circumstances of the case, the age of the victims, available evidence, material and the nature and seriousness of the crime, both the bail applications of the applicants/accused are liable to be rejected.

ORDER

The bail applications of applicants/accused **Vishal @ Prince Modanwal and Subham @ Anurag Rajbhar** are hereby rejected.

A copy of this order should also be kept in the file of Bail Application No. 2235/ 2026 (Subham @ Anurag Rajbhar vs. State).

Date: 22.06.2026

(Om Prakash Mishra-III)

I/c. Sessions Judge,
Azamgarh.

J.O. Code UP Id 2671