

UPBB010032992026

In the Court of Sessions Judge, Barabanki

(Present:- Pratima Srivastava, H.J.S.)

(I.D. No.- U.P.-1899)

Bail Application No. 1449/2026

(Under Section-483 B.N.S.S.)

Shivam Tiwari @ Saurabh Tiwari aged about 22 years son of Bhragunath Tiwari, resident of village- Pichaura, P.S. Musafirkhana, District- Amethi.

.....Accused/applicant.

Vs

State of U.P.

.....Opposite Party.

Crime No.- 145/2026

U/s- 87,69 B.N.S.

P.S.-Haidergarh,

District- Barabanki.

04.06.2026

This bail application has been filed by the accused/applicant **Shivam Tiwari @ Saurabh Tiwari** with an affidavit of **Shivshankar Mishra** stating that this is the first bail application. Prior to this, no bail application has been filed in the Sessions Court or Hon'ble High Court nor has been rejected or pending.

2. In brief, the prosecution version is that the complainant Prashant Mishra lodged an F.I.R. at P.S. Haidergarh, Barabanki stating that complainant lives in Delhi and works in a private job. The complainant's elderly mother and sister live at home. Saurabh Tiwari, son of Bhrgunath Tiwari, resident of village Pichaura, P.S.- Musafir Khana, District- Amethi, used to talk on the complainant's sister's mobile and when his sister refused to talk, he used to forcefully send messages on his mobile. Saurabh Tiwari's sister lives in village Behta. Saurabh used to come to Behta occasionally and ask his sister to elope with him. On dated 28.04.2026, his mother sent his sister to Tikaraman market at around 3 pm to buy vegetables. When she did not return home till evening, his mother inquired and found out that Saurabh Tiwari, with the help of Sunita Rawat and Jyoti Mishra had lured his sister and taken her away somewhere. The complainant searched a lot but could not find her anywhere.

3. The learned counsel for the accused/applicant submitted that the accused/applicant has been falsely and maliciously implicated in the aforementioned case. The First Information Report was lodged with considerable delay and in a conspiracy. There is no independent witness to the alleged incident. As per the First Information Report, the victim is an adult and it seems unnatural for her to have been seduced. The accused/applicant's sister is married to Shiv Shankar Mishra in the complainant's village, with whose family the complainant has a feud.

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Both families are supporters of different village Pradhan representatives. Under pressure and influence by Ajay Tiwari, the complainant conspired a false report by naming the accused/applicant. There are significant contradictions in the victim's statements, and the medical report does not prove any such incident occurred. The accused/applicant neither lured the complainant's sister nor established any relationship with her by deception or inducement. The accused/applicant is detained in jail since 12.05.2026. Hence, the bail application of the accused/applicant is liable to be allowed.

4. The learned Incharge D.G.C. (Criminal) vehemently opposed the bail application and argued that the accused/applicant is named in the first information report. On perusal of the first information report, the complainant's sister was enticed and taken away by Saurabh Tiwari. Accused/applicant established physical relations with victim on the false promise. Hence, the bail application of accused/applicant is liable to be dismissed.

5. Heard the learned counsel for the accused/applicant and learned Incharge D.G.C (Criminal) for the prosecution and perused the prosecution papers available on record.

6. On perusal of record, it is clear that first information report was lodged by the complainant on the ground that her sister was enticed and abducted away by Saurabh Tiwari. In her statement given under **180 B.N.S.S.** before the Investigating Officer, the complainant's sister/victim did not support the prosecution story. In her statement given under **183 B.N.S.S.** before the Judicial Magistrate, the complainant's sister/victim has stated that accused/applicant Saurabh Tiwari and she were in relationship for about 3 years and physical relation were established many times. She further stated that accused/applicant made sexual intercourse with her on the false promise of marriage.

7. Therefore, keeping in view the facts and circumstances of the case, nature of crime and the role of the accused/applicant and without expressing the opinion on merit, this bail application of the accused is liable to be **rejected**.

Order

The bail application is, hereby, **rejected**, accordingly.

Dated:- 04.06.2026
Aditya/-

(Pratima Srivastava)
Sessions Judge,
Barabanki.
J.O. Code- UP 1899