



2026:AHC:55299

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 41860 of 2025

Karan Kumar

.....Applicant(s)

Versus

State Of U.P. And 3 Others

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Pramod Kumar Maurya
Counsel for Opposite Party(s)	:	G.A., Vijyeta Gupta

Court No. - 67

HON'BLE SAMEER JAIN, J.

1. Notice was issued to the informant on 27.11.2025. Despite service of notice none present on behalf of informant.
2. Heard Sri Pramod Kumar Maurya, learned counsel for the applicant, Ms. Vijyeta Gupta, learned counsel for High Court Legal Services and Sri Ghanshyam Mishra, learned Brief Holder for the State.
3. The instant bail application has been filed seeking release of the applicant on bail in Case Crime No. 928 of 2025, under Sections 65(1), 351(3), 61(2), 115(2) BNS and Section 3/4 POCSO Act, Police Station Gulriha, District Gorakhpur during pendency of the trial.
4. Learned counsel for the applicant submits, applicant is innocent and on the basis of false allegation he has been made accused in the present matter.
5. He further submits, even victim did not disclose the name of applicant in her statement recorded under Section 180 BNSS and however she disclosed his name in her subsequent statement recorded under Section 183 BNSS but even according to this statement co-accused Akash committed rape upon her. He further submits, actually applicant is friend of co-accused Akash therefore subsequently he has been made accused in the present matter as in the FIR her father had made him accused along with co-accused Akash.
6. He further submits, applicant is not having any criminal history and in the present matter he is in jail since 19.10.2025.
7. Per contra, learned AGA as well as learned counsel for High Court Legal

Service opposed the prayer for bail but could not dispute the argument on facts advanced by learned counsel for the applicant.

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

9. However, as per school record victim appears to be aged about 13 years 6 months old but victim in her statement recorded under Section 180 BNSS did not even disclose the name of applicant. Further, however she disclosed the name of applicant in her subsequent recorded under Section 183 BNSS but even in this statement she did not made any allegation of rape against him and according to her co-accused Akash committed rape upon her.

10. Further, applicant is friend of co-accused Akash therefore the reason of false implication of the applicant disclosed by the learned counsel for applicant cannot be ruled out at this stage.

11. Further, applicant is not having any criminal history and in the present matter he is in jail since 19.10.2025.

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 - **Karan Kumar** 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.

March 18, 2026
AK Pandey

(Sameer Jain,J.)