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IN THE COURT OF SESSIONS JUDGE, BIJNOR

Bail application no.4472/2025

Sushil Kumar s/o Balram Singh r/o Mohalla Ramleela town Jhalu P.S
Haldaur Distt.Bijnor.

Applicant-accused

Vs.

State

Crime no. 146/2025

u/ss:109(1),115(2),351(3),352,

117(2),118(1)BNS

P.S: Haldaur,,District Bijnor.

ORDER

The above noted first application for bail has been moved on behalf of accused-applicant **Sushil Kumar** in above stated crime number and sections.

As per prosecution case, complainant lodged a report that the accused-persons used to have political rivalry with his brother Nitin. In the back drop of this political rivalry on 2.6.2025 at about 9.00 PM his brother Nitin and Upendra Kumar had gone to their bricks kiln to see the account, at the same time Kartik and Sushil emerged who started to hurl abuses and while extending life threat went from there. Same day at about 10.00 AM accused-persons Kartik, Navneet and Sushil having armed with sword, iron rod and knife intruded into bricks-kiln and while hurling abuses to Nitin committed marpit with him and caused injuries.

Heard the learned counsel for the accused-applicant as well as learned DGC(Crl.) for the State and perused the case diary.

Learned counsel for the accused-applicant submitted that he has been implicated falsely in this case. Sword and chura have been shown with him but no incised wound is there on the body of injured. In initial X-ray report no fracture was found on the body of injured therefore, the case was converted into section 308 IPC giving him the benefit of section 35 BNSS. Counsel for the accused-applicant submitted that at the initial supplementary report no fracture of any rib was found.

The learned DGC(Crl.) opposed the bail and submitted that in this matter, the accused-applicant along with his accomplices having come at the bricks kiln of injured on the issue of political rivalry committed marpit with the injured with sword, knife and iron rod and caused him serious injuries in the form of fractures of multiple ribs. He also submitted that there is X-Ray plate of ribs of injured Nitin dated 4.6.2025 conducted by

Chaudhary X-ray Center, Jhalu , which is the part of case diary, in which also there is fracture of ribs but no X-ray report is there with case diary. He also submitted that the bail applications of co-accused persons have been rejected by the Court of Sessions on 02.09.2025 and 18.9.2025 respectively.

In the present matter, it is alleged that the accused-applicant alongwith his accomplices having come to the bricks kiln of injured on the issue of political rivalry caused him injuries with sword,iron rod and chura. It is also alleged that the injured in his statement has supported the prosecution version. It is alleged that on 5.6.2025 X-ray was conducted in Government Hospital wherein no rib was found fractured and doctor has reported NAD but the Dr. B.R.Tyagi,Radiologist who conducted X-ray on 5.6.2025 at Government Hospital, Bijnor has clarified at page no. 8 that on 5.6.2025 there was found fracture in left and right sides' ribs of injured Nitin but due to the work load he has mentioned NAD in X-ray report. It is also alleged that on 7.6.2025 by the reference of Vivek Hospital,Bijnor X-ray of injured was conducted in K.D.M Imaging & diagnostic Center, Meerut wherein also his **six** ribs were found fractured. It is also alleged that on 8.6.2025 in Kailash hospital,Meerut X-ray of injured was conducted wherein also the ribs of injured were found fractured. It is further alleged that by the order dated 24.6.2025 of District Magistrate,Bijnor on 27.6.2025 re-medical examination of the injured was conducted by the Medical Board and in that X-ray report ribs of injured Nitin Kumar were found fractured. It is also alleged that the injured has also undergone the surgery of chest in which pus was extracted from his chest. It is also alleged that had the fractured ribs punctured the lungs of injured,he would have died.

Considering the entire facts and circumstances of the case and in view of the gravity of the offence without expressing opinion regarding merit of the case at this stage, it does not appear to be a fit case for bail.

Accordingly,the above noted bail application of above stated accused-applicant in above stated case crime number is also rejected.

Dated -10/10/2025

I/c Sessions Judge,
Bijnor
10.10.2025