

**IN THE COURT OF SESSIONS JUDGE, AMBEDKAR NAGAR****Bail Application No.:** 778/2026**CNR No.:** UPAN010047412026**Case Crime No.:** 311/2026**Under Sections:** 103(1), 238, and 3(5) of the Bharatiya Nyaya Sanhita (BNS)**Police Station:** Kotwali Akbarpur, District Ambedkar Nagar

Arpit Patel aka Sachin, aged about 20 years, Son of Ghanshyam, Resident of Village Kirunipur, Post Kotwa Mehmadpur, Police Station Kotwali Akbarpur, District Ambedkar Nagar. ... *Applicant/Accused*

Versus

State of Uttar Pradesh

... *Prosecution/Opposite Party***Date of Order:** June 9, 2026**Presiding Officer:** Chandrodaya Kumar, Sessions Judge (J.O. Code: UP6553)**ORDER ON FIRST BAIL APPLICATION**

This is the first regular bail application moved on behalf of the applicant/accused Arpit Patel aka Sachin in Case Crime No. 311/2026 under Sections 103(1), 238, and 3(5) BNS. The bail application is supported by an affidavit sworn by the applicant's parokar, Sangeeta.

1. Prosecution Story

The prosecution case, in brief, is based on a First Information Report (FIR) lodged on May 15, 2026, at 21:11 hours by the informant, Pankaj Verma, at Police Station Kotwali Akbarpur. It is alleged that on the same day, around 6:00 PM, the informant's father, Ramjeet Verma, was ploughing his field when a bamboo placed on the boundary (med) accidentally broke. Following this, Bindusen Verma called his brother Ghanshyam Verma to inform him that Ramjeet Verma broke the bamboo with his tractor.

Consequently, Ghanshyam Verma arrived at the spot along with his sons Sachin Verma (the applicant) and Atul Verma, and they began

assaulting the informant's father. During the altercation, Ghanshyam Verma allegedly struck the informant's father on the head with a bamboo, causing him to collapse on the ground. The informant and his brother rushed the victim to Shubham Hospital in an auto-rickshaw, from where he was referred to the District Hospital. At the District Hospital, the doctor declared him dead.

The FIR was initially registered under Section 105 BNS (Culpable Homicide not amounting to murder) against the accused persons. However, during the course of the investigation, the offence was altered to Section 103(1) BNS (Murder), and Sections 238 (Causing disappearance of evidence) and 3(5) BNS (Joint liability/Common intention) were added.

2. Contentions of the Applicant/Accused

The learned counsel for the applicant submitted that:

1. The applicant is entirely innocent and has been falsely implicated in this case out of malice to cause him undue harassment.
2. There is no reliable or substantial evidence connecting the applicant to the alleged crime.
3. The applicant is a student and has no concern or involvement with the alleged incident.
4. There is no eyewitness to the alleged incident.
5. The primary role of delivering the fatal blow to the deceased is attributed specifically to the co-accused Ghanshyam Verma, and the FIR does not state that the applicant beat or struck the deceased.
6. The applicant has been languishing in the district jail since May 16, 2026, and carries no prior criminal history.

3. Contentions of the Prosecution

The regular bail application was strongly opposed by the learned District Government Counsel (Criminal) as well as the learned counsel for the informant. They argued that the applicant, acting in concert with the other co-accused persons, participated in a violent assault at the specified date, time, and place, which ultimately culminated in the murder of the deceased. Therefore, given the gravity of the offence, they prayed for the rejection of the bail application.

POINTS FOR DETERMINATION

1. Whether there is *prima facie* material showing active participation or a specific overt act committed by the applicant that directly caused the death of the deceased.
2. Whether the applicant's continuous pre-trial detention is justified under the facts and circumstances of the case, keeping in mind his role and the lack of a criminal history.

FINDINGS

I have heard the learned counsel for the applicant, the learned District Government Counsel (Criminal) for the State, and the learned counsel for the informant, and have thoroughly perused the case diary and relevant prosecution documents.

1. **Role Attribution and Overt Act:** A bare perusal of the initial FIR reveals that the specific and principal role of striking the deceased on the head with a bamboo is uniquely assigned to the co-accused Ghanshyam Verma, and not to the present applicant. The prosecution documents do not state that the applicant physically assaulted the deceased to cause the fatal injury.
2. **Case Diary Records:** Upon examining Parcha No. 6 of the Case Diary, it appears that the statements of the witnesses record the applicant's role as merely instigating or exhorting ("ललकारना") during the occurrence of the incident.
3. **Medical Evidence:** The post-mortem report attached to the Case Diary records a single physical injury on the deceased's body, which is described as a lacerated wound measuring 3 cm x 2 cm, bone-deep, situated on the left parietal region of the head, 6 cm above the left ear. This aligns with the single blow attributed to the co-accused Ghanshyam Verma in the FIR.
4. **Pre-trial Detention and Legal Principles:** The applicant is a young student of 20 years with no prior criminal history submitted by the prosecution, and he has been in custody since May 16, 2026. The law regarding bail and pre-trial custody has been heavily settled by the Hon'ble Supreme Court in [Satender Kumar Antil vs Central Bureau of Investigation on 11 July, 2022: \(2022\) 10. SCC 51](#), where it was held that pre-trial detention should not be transformed into a punitive measure. While considering bail, the court must balance the gravity of the accusation against the individual's liberty, particularly where the role attributed to an accused is secondary or limited to instigation, and where there is no risk of fleeing from justice or tampering with evidence.

Applying these benchmarks, since the principal physical injury is not assigned to the applicant, the role of exhortation does not find place in the FIR, and he poses no established flight risk, continuous incarceration during the pendency of the trial is unwarranted.

Therefore, taking into account the entire facts, role, and circumstances of the case, and without expressing any opinion on the final merits of the case, I find that there are sufficient grounds to enlarge the applicant on regular bail under proper conditions. Consequently, the bail application deserves to be accepted conditionally.

ORDER

The first regular bail application moved on behalf of the applicant/accused **Arpit Patel अर्पित Sachin** in Case Crime No. 311/2026, under Sections 103(1), 238, and 3(5) BNS, Police Station Kotwali Akbarpur, District Ambedkar Nagar, is hereby **allowed**.

Let the applicant/accused, Arpit Patel अर्पित Sachin, be released on regular bail in the aforesaid case crime number upon his executing a **personal bond in the sum of ₹1,00,000/- (Rupees One Lakh)** with **two reliable sureties** each in the like amount to the satisfaction of the court concerned, subject to the following explicit conditions:

1. The applicant/accused shall fully cooperate with the trial proceedings and shall not present unnecessary or groundless adjournment applications.
2. The applicant/accused shall remain physically present before the trial court on every single date fixed for a hearing, unless explicitly exempted by a valid order of the court.
3. The applicant/accused shall not intimidate, threaten, or contact the prosecution witnesses in any manner, nor shall he attempt to influence or tamper with the evidence.
4. In the event that the applicant violates any of the prescribed conditions of this bail bond, the trial court shall be absolutely free and at liberty to initiate legal proceedings for the cancellation of his bail in accordance with the law.

(Chandroday Kumar)

Sessions Judge, Ambedkar Nagar

J.O. Code No.: UP6553

Date: June 9, 2026

Place: Ambedkar Nagar