



UPMT010015442026
IN THE COURT OF SESSIONS JUDGE, MATHURA
Presiding Officer: Sri Vikas Kumar-I, (H.J.S.)

Bail Application No. 739/2026

1. Dinesh alias Bholu S/o Kripal Singh, a resident of village Zafar, P.S. Nauhjheel, District Mathura.
2. Rakesh S/o Pratap, a resident of village Zafarpur, P.S. Nauhjheel, District Mathura.

-----Accused/applicants

Versus

State of U.P.

-----Opposite party

1- In compliance with the order of Hon'ble High Court dated 28.11.2025 passed in Criminal Revision No. 1733 of 2025, Lal Singh Vs. State of U.P. & 2 others, the accused/applicants Dinesh alias Bholu and Rakesh were summoned by the Court of Additional Sessions Judge, Court No. 1, Mathura on 10.12.2025 for facing trial. Thereafter, the said applicants have been surrendered before the said Court on 18.02.2026 in connection with Case Crime No. 208/2015. Thereafter, they were taken into judicial custody and sent to jail. Thereupon, this bail application is moved before this Court in relation to said case crime number, under Sections 302/34, 307, 147, 148, 149 & 504 IPC, P.S. Nauhjheel, District Mathura.

2- Learned counsel for the accused/applicants has argued that applicants have been falsely implicated in the said case due to old enmity. This is the first anticipatory bail application of the applicants. This is the first bail application, prior to this, no bail application has been filed or rejected or is pending before the Hon'ble High Court or this Court. Applicants have no criminal history and have never been convicted in any case. It is further argued that the applicants are not charge-sheeted. There is no specific role of the applicants regarding commission of the alleged incident. According to the medical report, the prosecution story against the accused/applicants is not substantiated. It is further contended that the alleged incident report has been lodged by the complainant Lal Singh, who has no injuries, on the basis of factionalism and not by the family member of the victim. The complainant's presence at the scene of the incident is unnatural. It is further argued that during the course of investigation, the I.O. has collected the evidence of many witnesses in which this fact has been mentioned by injured himself and other witnesses that injured Hoshiyar was involved in a case registered prior to this incident by co-accused Rakesh at this police station against Hoshiyar Singh & others under Sections 147, 323, 308 & 304 IPC. For this reason, Rakesh and Dinesh have been falsely named in the present case. The complainant has the motive to falsely implicate

the applicants in the said case, whereas the applicants have no reason to commit the said offence. Thus, it is prayed that the accused/applicants be released on bail.

Opposing the bail prayer of the accused/applicants, learned D.G.C. (Crl.) for the State as well as learned counsel for the complainant argued that applicants are named in the First Information Report. The accused/applicants along with co-accused has committed the alleged incident. They further contended that the complainant/prosecution had filed an application under Section 319 Cr.P.C. before the Court of Addl. Sessions Judge, Court No. 1, Mathura and the said application was rejected by the said Court vide order dated 01.03.2025 passed in S.T. No. 737/2015, State Vs. Rohtash & Ors. Aggrieved by the said order, prosecution filed a Criminal Revision No. 1733/2025 before the Hon'ble High Court of Judicature at Allahabad, whereby the Hon'ble Court allowed the said revision on 28.11.2025 and set aside the order dated 01.03.2025. They further contended that the bail applications of co-accused Rishipal, Shyoraj, Raju, Rautas & Latoor have already been rejected by this Court vide orders dated 18.12.2015, 11.11.2016, 05.01.2017, 09.07.2015 & 23.10.2015, respectively. Thus, the bail application of the accused/applicants should be rejected.

3- Heard learned counsel for the accused/applicants, learned DGC (Crl.) for the State and learned counsel for the complainant and perused the matter on record.

4- Prosecution case, in a nutshell, is that one Lal Singh made a written complaint at Police Station Nauhjheel, District Mathura alleging therein that on 17.06.2015, the complainant was levelling the ground in his house, at the same time, co-villagers Dinesh @ Bholu, equipped with a 315 bore rifle, Rohtas, who was carrying a 315 bore rifle, Rakesh, equipped with a 12 bore gun, Rishipal, who was carrying a 315 bore rifle, Shyoraj, having a 315 bore country made pistol (tamancha), Raju, who was carrying a 12 bore country made pistol (tamancha) and Latur, equipped with a 12 bore country made pistol (tamancha) & others came to his door and started abusing him. At around 3:00 p.m., with common intention, they indiscriminately fired at him as well as his family members. In the said incident, one of the bullets hit his nephew Udayveer, who died on the spot. The complainant's son, Hoshiyar Singh, sustained pellet injuries on his head and got injured. Thereafter, all the aforesaid persons fled away waving their weapons.

On the basis of above information, an F.I.R. under Sections 147, 148, 149, 307, 302, 504 & 34 of IPC was registered against 07 named accused persons (including present accused/applicants) at P.S. Nauhjheel, District Mathua on 17.06.2015, at about 18.15 p.m. as Case Crime No. 208/2015.

5- It is alleged against the accused/applicants that they along with co-accused opened fire at the complainant and his family members indiscriminately by rifles and pistols, due to which the complainant's nephew Udayveer died on the spot and his son Hoshiyar Singh sustained pellet injuries and got injured.

On perusal of the post-mortem report of deceased Udayveer, it transpires that the deceased Udayveer sustained fire arms injury in the alleged incident, as a result of which he died on the spot.

Accused/applicants are named in the First Information Report. The bail applications of co-accused, namely, Rishipal, Shyoraj, Raju, Rautas & Latoor have already been rejected by this Court vide orders dated 18.12.2015, 11.11.2016, 05.01.2017, 09.07.2015 & 23.10.2015 passed in Bail Applications No. 3379/2015, 2856/2016, 3116/2016, 1987/2015 & 2695/2015, respectively.

Keeping in view all the facts & circumstances of the case as well as seriousness of the offence, accused/applicants are not entitled to be released on bail. Accordingly, the bail application of the accused/applicants is liable to be rejected.

ORDER

Bail application of the accused/applicants **Dinesh alias Bholu & Rakesh** is hereby rejected.

(Vikas Kumar-I)
Sessions Judge, Mathura
I.D. U.P.1910

Dated: 10.03.2026

AJEET SINGH, STENO/-