

SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGE'S ORDERS
			BA1 No.2416 of 2025 <u>Hon'ble Alok Mahra, J.</u> Mr. Ramji Shrivastava, Mr. Lalit Sharma and Mr. Sachin Kumar, Advocates for the applicant. Mr. Rakesh Kumar Joshi, A.G.A. for the State of Uttarakhand. Mr. S.R.S. Gill, Advocate for the complainant. 2. This first bail application has been moved by the applicant seeking regular bail in F.I.R. No.951 of 2024, under Sections 109(1), 191(2), 191(3), 190, 115(2), 351(2) & 352 of B.N.S., registered at Police Station Kotwali Manglaur, District Haridwar. 3. Learned counsel for the applicant submits that the applicant has been falsely implicated in the present case and is in judicial custody since 08.11.2025. It is contended that the present matter arises out of a case and counter-case, inasmuch as, one F.I.R. was lodged on 25.09.2024, whereas the F.I.R. in the case in hand came to be registered subsequently on 12.11.2024. Learned counsel further submits that no specific role of causing grievous injury has been attributed to the applicant. According to the prosecution case itself, the role of causing the fatal/grievous injury was assigned to co-accused Azad, who subsequently died on the spot. It is argued that in the statements recorded under Section 180 B.N.S.S., the complainant merely reiterated the allegations levelled in the F.I.R.; however, the name of the applicant

		surfaced subsequently in the supplementary statements, thereby rendering the prosecution story doubtful and improved in nature. Attention of this Court has also been drawn to the statement of injured Jogendra, wherein he alleged that the applicant assaulted him with a wooden stick. Learned counsel submits that the medical evidence does not corroborate the said allegation, inasmuch as, the injured sustained a lacerated wound measuring 14 cm × 5 cm, bone deep, triangular in shape on the head, which, by its very nature, could not have been caused by a wooden stick and appears more consistent with an injury inflicted by a sharp-edged weapon, namely "Balkati", allegedly used in the incident. It is thus submitted that even according to the prosecution material, no overt act causing grievous injury is attributable to the present applicant. 4. Learned State Counsel as well as learned counsel appearing on behalf of the complainant, vehemently opposed the bail application. It is submitted that a specific and active role has been attributed to the applicant in the statements of both the victim and the complainant. 5. The present matter arises out of a case and counter-case, which prima facie indicates existence of a prior dispute between the parties. No specific role of causing the fatal/grievous injury has been assigned to the applicant and, according to the prosecution itself, the principal role has been attributed to co-accused Azad. It also appears that the name of the applicant did not surface in the initial statements under Section 180 B.N.S.S. and was introduced
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			subsequently in supplementary statements, thereby giving rise to arguable inconsistencies in the prosecution case. Further, the medical evidence does not fully support the allegation that the applicant assaulted the injured with a wooden stick. The applicant is in judicial custody since 08.11.2025. 6. Accordingly, without expressing any opinion on the ultimate merits of the matter, this Court is of the considered view that the applicant has made out a case for grant of bail at this stage. The bail application is allowed. 7. Let the applicant-Devendra Kumar be released on bail, on executing personal bond and furnishing two reliable sureties, each of like amount, to the satisfaction of Court concerned. (Alok Mahra, J.) 19.05.2026 <i>Arpan</i>
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