



2025:AHC:230740

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 39433 of 2025

Chandan

.....Applicant(s)

Versus

State of U.P.

.....Opposite Party(s)

Counsel for Applicant(s)	: Jyoti Agrawal, Nitin Kumar Agrawal, Rajat Kumar Shukla, Rajeev Kumar Srivastava, Saagar Srivastava
Counsel for Opposite Party(s)	: G.A., Punya Sheel Pandey

Court No. - 70

HON'BLE HARVIR SINGH, J.

1. Heard learned counsel for the applicant, learned counsel for the informant and learned AGA for the State and perused the record.

2. By means of this application, the applicant who is involved in Case Crime No. 162 of 2025, under Sections 191 (2), 115 (2), 109, 131, 351 (2), 352 of B. N. S., P. S. Chhata, District-Mathura, is seeking enlargement on bail during the trial.

3. In the F. I. R., which was lodged by the uncle of the injured, allegations of firing with revolver and country made pistol upon the injured, with the intent to kill, have been levelled against three named, including the applicant and two unknown persons.

4. Learned counsel for the applicant has submitted that the applicant is absolutely innocent and has been falsely implicated in the present case due to some ulterior motive. He has also submitted that at the time of incident he was at his home. He has further submitted that there is no independent witness of the incident. He has next submitted that the witness produced by the prosecution, is partisan, being relative of the complainant. He has further submitted that the applicant has 80% leg impairment and a person having leg impairment, who is not supposed to sit even without any support, cannot sit on the motorcycle and fire with a pistol. He has next submitted that the statement of the injured was recorded after 25 days of the incident, therefore, the possibility of its being tutored cannot be ruled out. It is next submitted that the co-accused Benami has been granted bail. He lastly submitted that the applicant, who is in jail since 21.4.2025 and has no criminal antecedent, is entitled to be enlarged on bail during pendency of the trial.

5. Per contra, learned counsel for the informant has opposed the prayer for

bail and submitted that in the statements of the injured and witnesses, the role of firing and causing firearm injury with a country made pistol at the back of the injured, has been assigned to the applicant, therefore, he is not entitled to be enlarged on bail. Learned AGA has adopted almost similar submissions, as advanced by learned counsel for informant.

6. I have considered the rival contentions of the parties, nature of offence, evidence, complicity of the accused, severity of punishment and all attending facts and circumstances of the case and the fact that the injured, Ravi himself has specifically assigned the role of firing with a country made pistol to the applicant and the injuries sustained by the injured. The injuries sustained by the injured are produced hereinbelow:-

"Patient presented to ER of City institute of medical sciences Mathura with above mentioned complaints. Patient admitted and evaluated thoroughly. Patient was started on IV Fluids, IV Antibiotics, IV Antacids along with other support treatment. All necessary investigations were done. After primary treatment in ER patient shifted to ICU for further evaluation and management. In view of low GCS patient put on mechanical ventilatory support. CBC showed Hb: 15.7. 5.7, TLC: 13070, PLT: 2.30 lac. Alkaline phosphase: 177.68. X-ray chest showed bronchovascular markings appear in prominent in bilateral upper middle and lower lobe lung zone. Viral marker were non-reactive. After all pre work up and PAC fitness, patient was taken up for surgery Bullet Removal was done on 30-03-2025 under GA."

7. Keeping in view the nature of the injuries sustained by the injured and the statements of the injured and the witnesses, this Court is not inclined to enlarge the applicant on bail.

8. Accordingly, this bail application moved on behalf of applicant **Chandan** is rejected.

April 23, 2025
HR

(Harvir Singh,J.)