



2025:UHC:11664

SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGE'S ORDERS
			<u>BA1/2328/2025</u> <u>Hon'ble Rakesh Thapliyal, J.</u> 1. Mr. Parikshit Saini, learned counsel for the applicant. 2. Mr. Himanshu Sain, learned Brief Holder for the State. 3. Mr. Mohd. Safdar, learned counsel for the complainant. 4. The present applicant - Nitish Kumar, S/o Teluram is praying for bail in reference to FIR dated 05.08.2025, bearing FIR No.0468 of 2025 registered at P.S. Pathri, District Haridwar, which was lodged against unknown persons for the offences punishable under Sections 109 read with Section 126(1) of Bharatiya Nyaya Sanhita (BNS), 2023 and on completion of the investigation, the applicant has been charge sheeted for the offences punishable under Sections 126(1), 109, 61(2) of BNS, 2023 and under Section 3/25 of the Arms Act. 5. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated only on the basis of confessional statement of two co-accused persons namely Vicky @ Pintu and Vishal, son of Satyapal, who were arrested on 20.08.2025. On their confessional statement, applicant and Shubham were arrested on 21.08.2025. He further submits that even as per prosecution case, applicant targeted to kill some other person but accidentally, injured, who was husband of the complainant sustained injuries that too by bullet, which was caused by a country made pistol. 6. It is argued that FIR has been lodged against unknown persons, however, there is a reference that injured can identify the person, who caused injuries by firearm but after arrest of the applicant no TIP was done and this fact has not been denied by the prosecution in the counter affidavit and in fact, prosecution admitted that no TIP was done in paragraph 12 of the counter affidavit. He further submits that co-accused Vicky @ Pintu, Vishal son of Satyapal on whose confessional statement, present applicant has been arrested, have already been enlarged on bail by the trial court and so far as co accused Shubham is concerned, he was granted bail by



		this Court on 04.12.2025. He further submits that applicant has no criminal history though there were three criminal cases against him lodged by Purshottam in which after investigation final report has been submitted. 7. On the other side, Mr. Mohd. Safdar, who appears for the complainant submits that present applicant is the main accused and offence is serious in nature and injuries sustained by the injured are grave in nature and danger to life and applicant have criminal history of three cases and as such, he does not deserve for bail. 8. On the other side, the learned State Counsel has not been disputed that no TIP was done. However, he submits that FSL report of bullet is found positive and that is reason, after collecting all credible evidence, charge sheet has been filed against the applicant. 9. After hearing the arguments of learned counsel for the parties and taking into consideration that the charge-sheet has already been filed and applicant is languishing in jail since 21.08.2025 and no TIP was done as admitted by the prosecution in paragraph 12 of the counter affidavit, and furthermore, three co-accused namely Vicky, Vishal and Shubham have already been enlarged on bail, this Court is of the view that the applicant deserves for bail. 10. Accordingly, without expressing any opinion on the merit of the case, the bail application is allowed. 11. Let the applicant - Nitish Kumar, S/o Teluram be released on bail on his executing a personal bond and furnishing two reliable sureties each of the like amount to the satisfaction of the court concerned. 12. It is made clear that after being released on bail, the applicant shall join the trial proceeding on each and every date without seeking any unnecessary adjournment. (Rakesh Thapliyal, J.) 31.12.2025 SKS
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