



2025:JHC-1 K03:29507

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

CRIMINAL MISC. BAIL APPLICATION No. - 12505 of 2025

Sudhir Singh

.....Applicant(s)

Versus

State Of U.P. Thru. Prin. Secy. Home Lko

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Anurag Kumar Singh
Counsel for Opposite Party(s)	:	G.A., Rajesh Kumar

Court No. - 15

HON'BLE KARUNESH SINGH PAWAR, J.

1. In compliance of order dated 12.12.2025 passed by this court, the investigating officer Mr. Chakudhan Pandey as well as Dr Mohd. Atif, who had given primary treatment to the injured persons are present.

2.Learned A.G.A. has produced the injury register, a perusal whereof shows that there is a clear interpolation in the injury reports of all the injured persons, total 9.

Upon a query being made to the doctor, he could not give any satisfactory explanation as to how interpolation(s) came into being, however, he submits that he was the only doctor posted at that place and there were nine injured. He has recorded all the injuries in the injury register and then he referred it for X-ray.

Upon a query being made to the learned A.G.A. as well as the doctor present before the Court, they could not demonstrate from the record that, except Ashok Singh, any other injured person had sustained a grievous injury.

3. Heard Mr. Anurag Kumar Singh, learned counsel for the applicant, Mr. Rajesh Kumar, learned counsel for the informant, Mr. Arvind Kumar Pandey, learned Additional Government Advocate for the State and perused the record.

4. In the prosecution case, it is alleged that the nephew of the complainant, Ashok Singh, and the accused Sudhir Singh were having a dispute regarding

possession of a shop situated in Town Harchandpur. On 15.08.2025, at about 12:00 noon, when the accused persons came to take possession of the said shop, Ashok Singh objected thereto. Thereupon, Sudhir Singh allegedly abused Ashok Singh and assaulted him with a pistol in his hand.

It is further alleged that Sudhir Singh, along with Bhole Singh, Jeetu @ Jitendra Singh, Vivek Singh, and 2–3 unknown persons, with a common intention and with intent to kill, started assaulting and firing upon Ashok Singh. On receiving information, Dharmendra Singh and Ajit Singh, nephews of the complainant, reached the spot, whereupon the accused persons allegedly fired upon them as well. As a result of the firing, Ashok Singh, Dharmendra Singh, and Ajit Singh sustained gunshot injuries, and five to six bystanders present at the market also allegedly sustained injuries. The injured persons were taken to Sadar Hospital, Rae Bareli, and due to the grievous nature of the injuries, Ashok Singh and Ajit Singh were referred to AIIMS, Rae Bareli.

It is also alleged that Ajit Singh, in order to save himself and others, fired in the air from his father's licensed gun in self-defence, whereafter the accused persons fled away from the spot.

5. Learned counsel for the applicant submits that initially, in the first information report as well as in the statement of the complainant, general role of firing has been assigned to all the accused persons. Later on, the injured made improvement in his statement and the specific role of firing by pistol has been assigned to the accused applicant. It is submitted that the applicant was called by phone at the place of occurrence. The applicant is in jail since 16.8.2025. The applicant has explained criminal history of two cases in para 25 of the bail application.

It is further submitted that there is no possibility of the applicant of fleeing away after being released on bail or tampering with the witnesses. In case the applicant is enlarged on bail, he shall not misuse the liberty of bail.

6. Learned A.G.A. and complainant's counsel opposed the prayer for bail. Learned A.G.A. has submitted that out of three injured Ashok Singh has received hairline non-displaced fracture in right parietal bone as well as metallic density bullet has been found measuring 16x10 mm seen at S2 level

towards right of midline with associated fracture of inferior aspect of right sacroiliac joint. The other two injured have received fire arm injuries though simple in nature.

7. Learned counsel for the applicant submits that the injured Ashok Singh after making improvement and making specific role of firing on the applicant, Sudhir Singh again in the concluding part of the statement has assigned general role of firing to the accused persons.

8. Upon due consideration of the submissions advanced and perusal of the record, it prima facie appears that, as per the statement of the doctor present before the Court as well as the prosecution case itself, all three injured persons were admitted to the District Hospital on their own, without there being any referral from the prosecution side. The injuries were noted by the doctor in a very casual manner, merely as “alleged firearm injuries,” from which the nature and gravity of the injuries cannot be inferred. A perusal of the injury register further reveals that identical remarks of “alleged firearm injury” have been recorded in respect of all the injured persons; coupled with the admitted fact that no internal medico-legal examination of the injured persons was conducted. Interpolation in the injury report, as noticed by the Court in paragraph-2, also remains undisputed. After admission, the injuries were only reflected in the bed-head tickets and the injury register.

There are material improvements in the prosecution case, particularly in the statement of the injured Ashok Singh, along with contradictions regarding the role attributed to the applicant in the alleged firing.

9. Considering the aforesaid circumstances in their entirety, coupled with the fact that the applicant has been in judicial custody since 16.08.2025 and has no criminal history, the bail application is **allowed**.

10. Let the applicant **Sudhir Singh**, F.I.R. No. 0217/2025, Under Sections 191(2), 191(3), 190, 109, 115(2), 352 BNS (Corresponding Sections 147, 148, 149, 307, 323, 504 IPC), Police Station Harchandpur, District Raebareli, be released on bail in the aforementioned case on furnishing a personal bond and two sureties each in the like amount to the satisfaction of Magistrate/Court concerned, subject to following conditions:-

- (i) the applicant shall not tamper with the prosecution evidence;
- (ii) the applicant shall not pressurize the prosecution witnesses;
- (iii) the applicant shall appear on each and every date fixed by the trial Court.

Any other condition(s) which the trial court/concerned court may deem fit and proper, in the circumstances of the case, may also be imposed.

11. It is clarified that the observations made in this order are confined to the present bail application and shall have no bearing on the merits of the trial.

(Karunesh Singh Pawar,J.)

December 16, 2025

kbb/