

SL. No	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGES'S  2026:UHC:3479
			<u>BA1 No. 376 of 2026</u> Rachit Kumar Applicant Vs. State of Uttarakhand Respondent <u>Hon'ble Ashish Naithani, J.</u> Mr. Vikas Singh Yadav, learned counsel for the Applicant. 2. Mr. Deepak Bisht, learned Deputy Advocate General assisted by Mr. Vikas Uniyal, learned Brief Holder for the State of Uttarakhand. 3. The present Bail Application has been moved by the Applicant—Rachit Kumar, S/o Shri Raja Ram, R/o Ward No. 3, Sisai Bandiya, Kichha. The Applicant is in judicial custody in connection with FIR No. 379 of 2025, registered at Police Station Kichha, District Udham Singh Nagar, for offences punishable under Sections 109, 115(2), 191(2), 351(2), and 352 of the B.N.S., 2023. 4. Heard Mr. Vikas Singh Yadav, learned counsel for the Applicant, and Mr. Deepak Bisht, learned Deputy Advocate General assisted by Mr. Vikash Uniyal, learned Brief Holder for the State of Uttarakhand. Perused the record. 5. Learned counsel for the Applicant submitted that the Applicant has been falsely implicated and has not committed the offences alleged in the FIR. It is further submitted that a bare reading of the FIR reveals that the alleged incident is stated to have taken place on 16.11.2025 at about 7:00 p.m. and thereafter on 17.11.2025 at about 6:30 a.m., whereas the FIR in question was lodged at about 20:52 hours. According to learned counsel, the delay of approximately 14 hours in lodging the FIR has not

			been satisfactorily explained by the prosecution, thereby casting a serious shadow of doubt upon the prosecution story. It is also submitted that there are material contradictions in the FIR as well as in the bail rejection order, which also create serious doubt regarding the prosecution version. Learned counsel for the Applicant further submits that the Applicant neither formed part of any unlawful assembly in prosecution of a common object nor committed any act amounting to criminal intimidation involving threat to cause death, grievous hurt, or destruction of property. It is further submitted that the Applicant neither attempted to commit any offence nor caused the same to be committed and, therefore, <i>prima facie</i> no offence under Sections 351(2) and 352 of the B.N.S., 2023 is made out against the present Applicant. 6. It is also contended by learned counsel for the Applicant that prior to arresting the Applicant, the police did not communicate any grounds of arrest, which is mandatory under law and, therefore, the arrest itself is in violation of the provisions of the B.N.S.S., 2023. Learned counsel further submits that there is no independent witness to the alleged incident and neither any direct evidence nor any last seen evidence or other incriminating material is available against the Applicant. The Applicant has no criminal antecedents and is languishing in jail since 19.02.2026. On these grounds, prayer has been made to enlarge the Applicant on bail. 7. Per contra, learned State Counsel vehemently opposed the bail application and submitted that the injuries sustained by the victim were serious and life-threatening in nature. 8. Having heard rival submissions and upon perusal of the material available on record, this Court finds that the allegations
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against the Applicant are grave in nature. The medical evidence on record *prima facie* indicates that the victim sustained serious injuries. At this stage, this Court does not find any mitigating circumstance warranting the exercise of discretion in favour of the Applicant.

9. Considering the nature and gravity of the offence, the severity of punishment prescribed, and the overall facts and circumstances of the case, this Court is not inclined to enlarge the Applicant on bail at this stage. Furthermore, the possibility of the Applicant influencing witnesses or absconding cannot be ruled out. Accordingly, no case for grant of bail is made out.

10. Accordingly, the Bail Application is rejected.

11. However, it is clarified that any observations made herein are only for the purpose of adjudication of the present bail application and shall not influence the trial on merits.

12. All pending applications, if any, stand disposed of.

(Ashish Naithani, J.)

07.05.2026

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