

SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGE'S ORDERS  2026:UHC:2963
			BA 1st No.492 of 2026 "Aman Vs. State of Uttarakhand" <u>Hon'ble Ashish Naithani, J.</u> Mr. Abhishek Verma, learned counsel for the Applicant. 2. Mr. Dinesh Chauhan, learned AGA, for the State of Uttarakhand. 3. In the High Court of Uttarakhand, the present case arises from Bail Application filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, seeking regular bail for the Applicant – Aman S/o Kishan, who has been accused in Case Crime No.233 of 2025, under Section 105 of the BNS, 2023 at Police Station Patel Nagar, District Dehradun. 4. The case of the prosecution, as per the FIR, is that the Complainant – Aman Giri S/o Rajesh Kumar Giri on 18.05.2025 had received a phone call from Ashu R/o Vijay Park, Dehradun, with information that the Complainant's brother has received injuries, and has been taken to the "Indresh Hospital". On reaching the hospital, he saw his brother had sustained a bullet injury on the chest and the Doctor has declared him dead, and it was alleged that the Complainant came to know that Aman, Shubham Kashyap, Honey, Ashu and the deceased - Sagar, were sitting somewhere together where Aman S/o Kishan shot dead the deceased. 5. Learned counsel representing the Applicant submits for the consideration of the bail. Firstly that the Applicant has

		been falsely roped in the present matter under the aforesaid offence of Section 105 of the BNS, 2023, which deals with the punishment of culpable homicide not amounting to murder. 6. It is contended that as per the prosecution story, there are three eye witnesses, who are shown to have witnessed the incident, namely, Ashu Kumar, Shubham Kashyap and Priyanshu @ Honey. Ashu Kumar in his statement says that there was no dispute between the Applicant – Aman and the deceased – Sagar, and the gun shot so fired was unintentional and accidental, it was not intended. It is contended that all the witnesses say that it was an accident, there was no enmity whatsoever between the present Applicant and the deceased. There was no motive for committing such an offence. There was no rivalry between the deceased and the Applicant, thus, it is said that there are no ingredients to frame the Applicant under the charges of murder or culpable homicide not amounting to murder. There are no ingredients, at this juncture, that may indicate that Applicant may have involved in any manner whatsoever. It is submitted that despite there being no ingredients or grounds for formation of framing of the charges for the offence of murder or culpable homicide not amounting to murder. The Applicant has been charge-sheeted for the offence under Section 105 of BNS, 2023 along with Section 3/25 of the Arms Act. The Applicant is in judicial custody since 04.11.2025. 7. Learned counsel for the Applicant narrates the incident as what exactly happened on the date of the incident, three witnesses along with the deceased and the Applicant were
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together partying and having liquor. It is stated that the Applicant asked one of the eye witnesses i.e. Priyanshu @ Honey to bring his pistol, and asked Priyanshu @ Honey, why he has loaded the pistol. While fondling with the Priyanshu @ Honey's pistol when he tried to unload the pistol, it accidentally got activated and there was an accidental fire, which hit the deceased – Sagar.

8. It is again stressed upon, the eye witnesses have categorically denied about the dispute between the deceased and the Applicant, after this incident the Applicant alongwith other witnesses took the deceased (then injured) to the hospital for treatment but he succumbed to his injuries and passed away, and thus, it is pleaded that since there is no *mensrea* that would attributed against any criminal activity involved in the present matter against the Applicant for committing the alleged offence and even as per the prosecution story the incident has been reported to be accidental in nature and especially it does not attract Section 105 of the BNS, 2023, and it is requested that the Applicant may be enlarged on bail on whatever grounds, this Court feels deem fit and proper.

9. Learned State Counsel opposes the bail application on the ground that during the trial the Applicant had absconded and he would repeat the same. In case, if the Applicant is enlarged on bail, he would evade the trial and considering the same his bail application should be dismissed.

10. After hearing the rival submissions of the parties and on perusal of the record, if dealing the case in detail, it will affect the merits of the case, this Court finds the present

		matter fit case for bail. This Court observes for the grant of bail is primarily based on statement of the three witnesses i.e. Ashu Kumar, Shubham Kashyap and Priyanshu @ Honey, as they have made before the Investigating Officer that reveals <i>prima facie</i> that during the time of incident or even prior to it where it can be said that there was a tussle between the Applicant and the deceased – Sagar, and there could have any rivalry between them or enmity. The eye witnesses present on the spot clearly stated that accidentally by chance, there was an accidental gunshot fire, which caused a fatal injury on the chest of the deceased. The witnesses further stated in their statement given to the Investigating Officer that there was no dispute between the deceased – Sagar and the present Applicant – Aman, thus, at this juncture, it is apparent <i>prima facie</i> that it is a case of accidental gunshot fire, which resulted in the death of the deceased. Further it is also evident that the Applicant, the deceased and the eye witnesses, namely, Ashu Kumar, Shubham Kashyap and Priyanshu @ Honey, were partying and having a liquor and under the intoxication of the liquor, mishandling of the gun, without any motive or trigger for causing harm to the deceased. The said incident happened which can be purely within the brackets as accidental. 11. Considering the overall facts and circumstances of the case, the Applicant has made out a case for bail. 12. Accordingly, bail application is allowed. It is directed that the Applicant - Aman, who has been accused in Case Crime No.233 of 2025, under Section 105 of the BNS, 2023 at Police Station Patel Nagar, District Dehradun, be released on bail on furnishing a personal bond with two reliable
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		sureties each in the like amount to the satisfaction of the concerned court. The Applicant shall cooperate with the trial proceedings and shall not misuse the liberty granted to him. (Ashish Naithani, J.) 22.04.2026 Nitesh/
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