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IN THE HIGH COURT OF UTTARAKHAND
AT NAINITAL

THE HON'BLE SRI JUSTICE ALOK KUMAR VERMA

05th JANUARY, 2026

FIRST BAIL APPLICATION NO. 1049 of 2025

Suman Kumar Applicant

Versus

State of Uttarakhand Respondent

Counsel for the Applicant : Mr. Tapan Singh, Advocate
holding brief of Mr. Sanjay
Kumar, Advocate.

Counsel for the Respondent : Mr. Pradeep Lohani, Brief
Holder.

Hon'ble Alok Kumar Verma, J.

Applicant Suman Kumar is in judicial custody for the offence punishable under Section 103(1) of the Bharatiya Nyaya Sanhita, 2023 in Case Crime No.251 of 2024, registered at Police Station Sitarganj, District Udham Singh Nagar.

2. According to the respondent, a poultry farming was carried out at the farm of the informant. The informant had employed the applicant at his farm for Rs.3,500/- p.m. He terminated the job of the applicant on 28.07.2024. Applicant was quarrelling in the village at around 9:30 p.m. He was drunk at that time. One Manjeet Singh and two-three other persons brought the applicant by e-rickshaw and left him at the farm of the informant. He (applicant) slept in the informant's farm.



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Even on the 29th, he slept in his farm with Lalta Prasad, the servant of the informant. On 30.07.2024, the informant found the dead body of Lalta Prasad in his farm, which was stained with blood. The First Information Report was registered on 30.07.2024. The inquest proceedings and the post-mortem examination of the dead body were conducted on 30.07.2024. Applicant was arrested on 31.07.2024 and his lower, which had blood stains on it, was recovered from a bag of the applicant.

3. Heard Mr. Tapan Singh, learned counsel for the applicant and Mr. Pradeep Lohani, learned Brief Holder for the respondent.

4. Mr. Tapan Singh, Advocate, has contended that the case of the prosecution that the applicant was brought by Manjeet Singh and two-three other persons and left him at the informant's farm is false. Manjeet Singh or the said two-three persons are not shown as prosecution witnesses in the charge-sheet. The alleged recovery of lower is false. When a person knows about the blood stains on any of his wearing, then there is no occasion to him to take it with him in his bag. There was no independent witness at the time of the alleged recovery of lower. The respondent was granted sufficient opportunity to file a copy of DNA report but DNA report has not been filed. These facts also make the story of the prosecution doubtful. Applicant has no criminal



antecedents. He is a permanent resident of District Muzaffarpur, Bihar, therefore, there is no possibility of his absconding. Charge-sheet has been filed, therefore, there is no chance of tampering with the evidence, and, applicant is in custody since 31.07.2024.

5. Mr. Pradeep Lohani, Brief Holder, has opposed the bail application. However, he submitted that the report of Forensic Science Laboratory has not been filed.

6. Bail is the rule and committal to jail is an exception. Refusal of bail is a restriction on the personal liberty of the individual, guaranteed under Article 21 of the Constitution of India. The object of keeping the accused in detention during the trial is not punishment. The main purpose is manifestly to secure the attendance of the accused.

7. Having considered the submissions of learned counsel for both the parties and in the facts and circumstances of the case, no reason is found to keep the applicant behind the bars for an indefinite period, therefore, without expressing any opinion as to the merits of the case, this Court is of the view that the applicant deserves bail at this stage.

8. The Bail Application is allowed.



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9. Let the applicant-Suman Kumar be released on bail on his executing a personal bond and furnishing two reliable sureties, each in the like amount, to the satisfaction of the court concerned.

ALOK KUMAR VERMA, J.

Dt: 05.01.2026
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