

HIGH COURT OF UTTARAKHAND AT NAINITAL

First Bail Application No. 1856 of 2022

Rajendra Singh

.....Applicant

Versus

State of Uttarakhand

.....Respondent

Present:-

Mr. Amit Kapri, Advocate for the applicant.

Mr. Pramod Tiwar, Brief Holder for the State.

Hon'ble Ravindra Maithani, J. (Oral)

Applicant Rajendra Singh is in judicial custody in Case Crime No.05 of 2022, under Sections 302 and 201 IPC, Police Station Nachni, District Pithoragarh. He has sought his release on bail.

2. Heard learned counsel for the applicant and perused the record.

3. The deceased, Rajendra Singh Mehta, had left his house on 29.01.2022, at 7:00 in the morning for school, where he was working. He did not return. His dead body was subsequently found on 30.01.2022. The FIR records that Laxman Singh and Narendra Singh did inform it to the informant that they had seen the applicant assaulting the deceased on 29.01.2022 late in the evening.

4. Learned counsel for the applicant would submit that Laxman Singh has been examined as PW2. He happens to be the uncle of the deceased. There is some enmity between them with regard to the property. Therefore, his evidence is not reliable.

5. Learned State Counsel would submit that there are two eye witnesses, PW2, Laxman Singh, and PW3, Narendra Singh. They both have categorically stated that they have seen the applicant assaulting the deceased on 29.01.2022, late in the evening. Thereafter, the deceased was not seen and his dead body was found.

6. It is a stage of bail. Much of the discussion is not expected of. Arguments are being appreciated with the caveat that any observation made in this order shall have no bearing at any subsequent stage of the trial, or in any other proceeding.

7. PW2, Laxman Singh, and PW3, Narendra Singh, both have given eye witness account of the incident as to how on 29.01.2022, late in the evening, the applicant assaulted the deceased. It is the prosecution

case that, thereafter, the deceased was not seen by anyone.

8. Having considered, this Court is of the view that it is not a case fit for bail. Accordingly, the bail application deserves to be rejected.

9. The bail application is rejected.

(Ravindra Maithani, J.)
02.01.2024

Ravi Bisht