SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGE'S ORDERS
			BA1/1129/2026 Vikas Singh Gaira --Applicant **Versus** State Of Uttarakhand --Respondent **Hon'ble Alok Mahra, J.** Mr. D.C.S. Rawat, learned senior counsel assisted by Mr. Shubhang Dobhal and Mr. Deewan Singh Bisht, learned counsel for the applicant. 2. Mr. Deepak Bisht, learned Deputy A.G. along with Mr. Akshay Latwal and Mr. Prabhat Kandpal, learned A.G.A. for the State. 3. Applicant-Vikash Singh Gaira, who is in judicial custody in connection with Case Crime/F.I.R. No. 23 of 2026, registered at Police Station Kathgodam, District Nainital, for the offence punishable under Section 109(1) of the B.N.S., seeks bail. It is submitted that the charge-sheet has now been filed against the applicant for the offences punishable under Sections 103(1)/3(5) of the B.N.S. and Sections 4/25 of the Arms Act. 4. Heard learned counsel for the

			parties and perused the material available on record. 5. Learned senior counsel for the applicant would submit that the informant, who is the mother of the deceased, lodged an F.I.R. alleging that on 05.03.2026, the present applicant and a co-accused, who is a Child in Conflict with Law, assaulted the deceased and that the co-accused stabbed him in the stomach with a sharp-edged knife, resulting in his critical condition. The F.I.R. was initially registered under Section 109(1) of the B.N.S. During the course of investigation, the injured succumbed to his injuries on 15.03.2026, whereupon Section 109(1) of the B.N.S. was deleted and Sections 103(1) and 3(5) of the B.N.S., along with Section 4/25 of the Arms Act, were added. 6. Learned senior counsel for the applicant would submit that a sudden scuffle took place between the deceased, the present applicant and the co-accused, who is a Child in Conflict with Law; that, during the incident, the co-accused allegedly stabbed the deceased in the stomach with a knife. He would further submit that the co-accused has already been granted bail by the Juvenile Justice Board, Nainital, vide order dated 20.04.2026. It is contended that no specific role of

			inflicting knife injuries has been assigned to the present applicant and that, as per the prosecution case, the fatal injuries were inflicted by the co-accused. It is also submitted that no recovery has been made from the possession of the applicant. 7. Learned senior counsel would further submit that the applicant is innocent and has been falsely implicated in the present case; that, he has no criminal history and is pursuing an I.T.I. course at Government I.T.I., Haldwani. It is further submitted that no motive has been attributed to the applicant for committing the alleged offence and that the allegations against him do not establish his involvement in the offence as charged; that, out of the five eyewitnesses, four have not supported the prosecution case and only one witness has supported the prosecution version, stating that the co-accused took out a knife from his scooter, while the present applicant, Vikas, caught hold of the deceased, whereafter the co-accused repeatedly stabbed the deceased in the stomach due to which the deceased sustained injuries and fell unconscious, following which both the co-accused and the present applicant allegedly fled from the spot. 8. Learned senior counsel would

			further submit that the charge-sheet has already been filed and, therefore, there is no likelihood of the applicant tampering with the evidence; that, the applicant is a permanent resident of Haldwani, District Nainital, and there is no likelihood of his absconding. He is a young boy aged about 18 years and is languishing in judicial custody since 06.03.2026; that, the trial is not likely to conclude in the near future and that prolonged incarceration would adversely affect the future of the young applicant. On these grounds, learned senior counsel prays that the applicant be enlarged on bail. 9. Per contra, learned State counsel would vehemently oppose the prayer for bail. However, he does not dispute that the co-accused, who is a Child in Conflict with Law, has been granted bail by the Juvenile Justice Board; that the applicant is in judicial custody since 06.03.2026; or that, out of the five eyewitnesses examined during the trial, only one has supported the prosecution case. 10. Having considered the rival submissions advanced by learned counsel for the parties and upon perusal of the material available on record, this Court finds that the co-accused who is alleged to have inflicted knife injuries upon the deceased, has

already been granted bail by the Juvenile Justice Board. It is further submitted that, out of the five eyewitnesses examined during the trial, only one has supported the prosecution case. The applicant is in judicial custody since 06.03.2026, and the charge-sheet has already been filed. It is also noteworthy that the applicant is a young boy aged about 18 years and is pursuing an I.T.I. course. The credibility of the prosecution witnesses, including the eyewitnesses, and the evidentiary value of their statements are matters to be assessed by the trial court during the course of trial.

11. Having regard to the aforesaid facts and circumstances, and without expressing any opinion on the merits of the case, this Court is of the view that the applicant has made out a case for bail. Accordingly, the first bail application is allowed.

12. Let the applicant be released on bail upon furnishing a personal bond and two reliable sureties, each in the like amount, to the satisfaction of the court concerned.

Mamta MAMTA RANI

Digitally signed by MAMTA RANI
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(Alok Mahra J.)
27.10.2026