SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGE'S ORDERS
			BA1/1146/2026 Ali Akbar --Applicant **Versus** State Of Uttarakhand --Respondent **Hon'ble Alok Mahra, J.** Mr. D.C.S. Rawat, Senior Advocate, assisted by Mr. Shubhang Dobhal and Mr. Kamal Pandey, Advocates for the applicants. Mr. Deepak Bisht, Deputy Advocate General for the State of Uttarakhand. Mr. Zakir Ali, Advocate for the complainant. 2. This first bail application has been moved by the applicant seeking regular bail in F.I.R./Case Crime No.0150 of 2026, under Section 103(1), 115(2), 117(2), 131, 191(2), 191(3), 333, 351(3) of B.N.S., 2023, registered at Police Station I.T.I., District Udham Singh Nagar. 3. As per the prosecution case, the applicants, along with six other co-accused, allegedly entered the house of the complainant and started abusing and assaulting the complainant and his family members. It is alleged that applicant no.1 took out an iron rod and struck the deceased on his head, resulting in his death. 4. Learned Senior Counsel appearing for the applicants submits that the

			applicants have been falsely implicated in the present case and have been languishing in judicial custody since 02.06.2026. It is further submitted that the applicants and the complainant are neighbours belonging to the same community and, owing to certain tribal issues, relations between them had become strained. Learned Senior Counsel submits that, on the date of the incident, a scuffle took place between the two groups, during which members of both the applicants' family and the complainant's family sustained injuries. It is further contended that the essential ingredients of the offence punishable under Section 103(1) of the Bharatiya Nyaya Sanhita, 2023, are not prima facie attracted against the applicants in the facts and circumstances of the present case. Learned Senior Counsel submits that the incident occurred during a sudden scuffle between the two groups and that the prosecution material does not, at this stage, conclusively establish the intention or knowledge necessary to attribute the offence of murder to the applicants. Referring to the post-mortem report, it is pointed out that the deceased sustained a single injury in the left frontoparietal region, measuring 4 × 4 × 3 cm. It is further submitted that the wooden stick allegedly recovered from the possession of the applicants is stated to have caused the said injury, whereas the prosecution has also referred to the use of an iron rod or sword. On these grounds, it is prayed that the applicants be enlarged on bail. 5. Per contra, learned State Counsel has vehemently opposed the prayer for bail, contending that the allegations are serious in nature and that the deceased lost his life as a consequence of the assault allegedly committed by the

accused persons.

6. Having considered the submissions advanced by learned Senior Counsel for the applicants and learned State Counsel, and upon perusal of the material available on record, this Court finds that the allegations arise out of a scuffle between two groups, in which members of both sides are stated to have sustained injuries. The post-mortem report, as referred to by learned Senior Counsel, records a single injury on the head of the deceased. The nature of the incident, the number and location of the injuries recorded in the post-mortem report, and the rival submissions regarding the weapon allegedly used are relevant considerations for the limited purpose of deciding the present bail application.

7. Having regard to the overall facts and circumstances of the case, the period of incarceration undergone by the applicants since 02.06.2026, and the fact that the prosecution allegations and the defence submissions are yet to be tested in accordance with law, this Court is of the considered view that the case for grant of bail is made out.

8. Accordingly, the bail application is allowed.

9. Let the applicants, namely, Ali Akbar and Nazim Hussain be released on bail, on executing personal bond by each one of them and furnishing two reliable sureties by each one of them, each of like amount, to the satisfaction of Court concerned.

(Alok Mahra, J.)
27.10.2026

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