SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGE'S ORDERS
			BA1/1773/2026 Ayush Bora --Applicant **Versus** State Of Uttarakhand --Respondent **With** **BA1/1831/2026** Yash Chaudhary --Applicant **Versus** State Of Uttarakhand --Respondent **Hon'ble Alok Mahra, J.** Mr. Sudhir Kumar Chaudhary and Mr. Harsh Rautela, learned counsel for the applicants. Mr. Prabhat Kandpal, learned A.G.A. for the State of Uttarakhand. Mr. Lalit Sharma, Ms. Anmol Sandhu and Mr. Jeevan Arya, learned counsel for the complainant. 2. The present bail applications have been moved by the applicants, who are in judicial custody in connection with FIR No. 30 of 2026, registered at Police Station Bhimtal, District Nainital. Applicant Ayush Bora has been booked for the offences punishable under Sections 109, 117(2), 118(1), 190, 191(2), 324(2), 351(2) and 352 of the Bharatiya Nyaya Sanhita, 2023 (hereinafter referred to as the "BNS"), whereas applicant Yash Chaudhary has been booked for the offences punishable under Sections 110, 115, 118(2), 190, 191(2), 324(2), 351(2) and 352 of the BNS. 3. Heard learned counsel for the applicants, learned counsel appearing on behalf of the complainant and learned State Counsel. Perused the material available on record. 4. During the course of investigation, Section 109(1) of the BNS was also added. 5. The case of the prosecution, in brief, is that on 06.07.2026, at about 11:26 p.m., the applicants went to a restaurant. When the owner of the restaurant informed them that the restaurant had already been closed, the applicants allegedly started assaulting the complainant and his brother. Thereafter, when the

			complainant sought assistance from his uncle, he also reached the spot. However, the applicants allegedly intercepted them at a place situated approximately 1.2 kilometres from the restaurant and again assaulted them, resulting in injuries to the complainant and his uncle. Subsequently, the injured persons were medically examined. Considering the serious condition of one of the injured persons, namely, Ramesh Kirola, he was admitted to Krishna Hospital, where he was placed on ventilator support and was subsequently referred to a higher medical centre. His medical examination, including a CT scan of the head, was also conducted. It is further the case of the prosecution that on the following day of his admission, the condition of the injured deteriorated, whereupon he was shifted to Max Super Speciality Hospital, Delhi, on 09.07.2026, where he was again kept on ventilator support. He was discharged from the said hospital on 14.08.2026 and has thereafter been recovering at his residence. 6. Learned counsel for the applicants submits that the essential ingredients of Section 109(1) of the BNS are not attracted in the present case, as there was neither any intention nor knowledge on the part of the applicants to cause death. It is contended that the incident occurred in the course of a sudden quarrel and without any premeditation. There was no previous enmity between the applicants and the complainant or the injured persons, and the occurrence allegedly took place in the heat of the moment. It is further submitted that all four applicants are young boys pursuing their college education and have been falsely implicated in the present case. Learned counsel further submits that the present applicants were not even present at the place of occurrence at the relevant time and have been falsely implicated without any credible material indicating their participation in the alleged incident. 7. Per contra, learned counsel appearing on behalf of the complainant has opposed the bail applications and submitted that the injuries sustained by the injured Ramesh Kirola were serious in nature and were situated on vital parts of his body. It is further submitted that he suffered a head injury, swelling in the brain and a fracture of the nose, on account of which he had to undergo prolonged

			medical treatment and remain on ventilator support. 8. In response, learned counsel for the applicants submits that, as reflected in the medical record dated 13.07.2026, the injured had been extubated, his vital parameters were stable, there was no focal neurological deficit, he was moving all four limbs and was neurologically stable, with a Glasgow Coma Scale (GCS) score of E4V5M6. It is further pointed out that he was being considered for shifting to a general room. However, on 14.07.2026, at approximately 4:30 a.m., he allegedly suffered a sudden cardiac arrest. Learned counsel, therefore, submits that the subsequent deterioration in the condition of the injured requires consideration in the light of the intervening medical circumstances and cannot, at this stage, be conclusively attributed to the injuries allegedly sustained during the incident. 9. Learned counsel for the applicants has further submitted that the initial medical examination conducted at the Community Health Centre (CHC), Bhimtal, did not disclose any injury of such nature as would prima facie establish an intention or knowledge to cause death. It is contended that no lethal weapon was used by the applicants and that the incident arose out of a sudden altercation. 10. Having considered the submissions advanced by learned counsel for the parties and upon perusal of the material available on record, this Court finds that the incident, as alleged, arose out of a sudden altercation at a restaurant and there is no allegation of any previous enmity between the applicants and the complainant or the injured persons. The question as to whether the applicants possessed the requisite intention or knowledge constituting the offence under Section 109(1) of the BNS would be a matter of consideration during trial. However, at this stage, the absence of any apparent premeditation, the circumstances in which the incident allegedly occurred, the submissions regarding the nature of the weapons, the medical records placed before this Court and the fact that all four applicants are young students are relevant considerations for deciding the present bail applications. 11. This Court is conscious of the seriousness of the injuries allegedly sustained by the injured Ramesh Kirola and the prolonged medical treatment

undergone by him. Nevertheless, without expressing any opinion on the merits of the allegations or the medical causation of his subsequent condition, and considering the overall facts and circumstances of the case, this Court is of the considered view that the applicants have made out a case for grant of bail.

12. Accordingly, without expressing any opinion on the merits of the case, the bail applications are allowed.

13. Let the applicants be released on bail upon each of them executing a personal bond and furnishing two reliable sureties, each in the like amount, to the satisfaction of the Court concerned, subject to the following conditions:

(i) Applicants shall regularly attend the proceedings before the learned Trial Court and shall not seek any unnecessary adjournment.

(ii) Applicants shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade such person from disclosing such facts to the Court or to any police officer.

(iii) Applicants shall not leave India without obtaining prior permission of the learned Trial Court.

14. It is clarified that, in the event of misuse of the liberty of bail or violation of any of the conditions imposed hereinabove, the complainant/informant shall be at liberty to move an appropriate application before the competent Court seeking cancellation of the bail granted to the applicants.

(Alok Mahra, J.)
18-11-2026

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