

**IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL**  
**ORIGINAL JURISDICTION**

Dated: Nainital the January 25, 2006  
Criminal Misc. Bail Application No.72 of 2006  
**Order on the bail application of accused**

**CRIMINAL SIDE**

Dharam Singh  
S/o Sri Sher Singh  
R/o Peepalsana, Majhara Nambardarpuri,  
Police Station - Ramnagar  
District – Nainital .....Applicant (In Jail)

**Versus**

State of Uttaranchal .....Opposite Party

Arising out of case crime No.2049 of 2005  
U/s 302/201 I.P.C.  
P.S. Ramnagar  
District - Nainital

---

**Hon'ble P.C. Pant, J.**

Heard Sri B.S. Parihar, learned counsel for the applicant, learned A.G.A. for the State and perused the record.

This is a bail application moved on behalf of applicant- Sri Dharam Singh S/o Sri Sher Singh who is in Jail in Case Crime No.2049 of 2005 under section 302/201 I.P.C., P.S. Ramnagar, District Nainital.

It is alleged in the F.I.R. that when the deceased was about to attack his parents with sharp edge weapon (Patal), the applicant (elder brother of the deceased) intervened and fired at him to save his parents. It is further alleged in the F.I.R. that the deceased was in a drunken state. Without expressing any opinion as to the final merits of the case, it cannot be ruled out that the applicant acted in private defence.

Let the applicant-accused be released on bail on his executing a personal bond and two sureties each in the like amount to the satisfaction of the C.J.M. concerned.

**(P.C. Pant, J.)**  
Vacation Judge

Dated 25.01.2006  
Dang