

RAJASTHAN HIGH COURT

सत्यमेव जयते

HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR

S.B. Criminal Miscellaneous Bail Application No. 1516/2026

Heera Bharati S/o Sh Lahar Bharati, Aged About 38 Years, R/o Dantlawas, Police Station Jaswantpura, District Jalore. (At Present Lodged In Sub Jail Bhimmal)

-----Petitioner

Versus

State Of Rajasthan, Through Pp

-----Respondent

For Petitioner(s)	:	Mr. Jamtaram Patel.
For Respondent(s)	:	Mr. Surendra Bishnoi, PP. Mr. SK Sainee for complainant.

HON'BLE MR. JUSTICE MUKESH RAJPUROHIT

Order

23/02/2026

The instant second application for bail under Section 483 of BNSS (439 of Cr.P.C.) has been filed by the petitioner, who has been arrested in the present matter. The requisite details of the matter are tabulated herein below:

S. No.	Particulars of the case	
1.	FIR Number	116/2024
2.	Police Station	Jaswant pura
3.	District	Jalore
4.	Offences alleged in the FIR	Under Sections 189(12), 333 and 115(2) of BNS.
5.	Offences added, if any	Under Section 126(2), 117(2), 109(1), 190, 191(2), 191(3) and 54 of BNS Act.

The 1st bail application filed on behalf of petitioner i.e. S.B. Criminal Misc. Bail Application No.14339/2025 was dismissed vide order dated 25.11.2025 passed by this Court with the liberty to the petitioner to file fresh bail application after recording the statement

of Injured (Mitha Lal). After rejection of first bail application, the statement of injured has been recorded. Hence, this second application for bail has been filed.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case. It is contended that as per the statement of the injured-Mitha Lal (PW-2), the specific allegation of inflicting lathi blows on the head is attributed to Jara Ram. The injured has stated that he sustained injuries and later regained consciousness during treatment at Palanpur Hospital.

It is further submitted that the injured witness has admitted in his cross-examination that he cannot state who assaulted him after the initial incident, who took him to the hospital or by what means he was transported. He further submits that the injured has further admitted before the learned trial Court that accused Hira Bharati was not carrying any weapon. Thus, even as per the prosecution's own witness, no specific overt act is attributed to the present petitioner and the allegations against him remain vague and unsubstantiated.

The relevant portion of the statement of the injured reads as follows:-

“जेराराम ने मेरे सिर पर ताबडतोड़ लाठी से वार किये जिससे मैं जमीन पर बेहोश होकर गिर गया। फिर मुझे गांव वाले जसवंतपुरा अस्पताल लेकर गये थे जहां से आगे पालनपुर अस्पताल लेकर गये। मुझे पालनपुर में 2-3 दिन बाद होश आया था। मेरे सिर, कंधे, हाथ पर चोटें आयी थी। मेरा बांया हाथ टूट गया था। मेरे कान व सीने पर चोटे आयी थी। फिर बाद में मैंने सुना कि मेरे भाई जोधाराम ने रिपोर्ट की थी। पुलिस ने मेरे बयान घटना के 1 माह 10 दिन बाद 17 तारीख को लिये थे। मेरो जसवंतपुरा, पालनपुर व जालोर में मेडिकल मुआयना हुआ था।

यह कहना सही है कि मेरे सिर में लाठरी की चोट लगते ही मैं मौके पर बेहोश हो गया था इसलिए मैं नहीं बता सकता कि उसके बाद मेरे साथ किन्होंने मारपीट की व कौन मुझे

हॉस्पिटल लेकर गये व किस साधन से लेकर गये। यह कहना सही है कि मैं बेहोश होने के कारण घटना के बाद 3 दिनों तक मैं कहां-कहां गया, किसने मेरा इलाज किया किस साधन से लेकर गये मैं नहीं बता सकता। यह कहना सही है कि मुलजिम हीरा भारती के हाथ में कोई हथियार नहीं था। ”

Learned counsel for the petitioner submits that the co-accused Jara Ram have already been enlarged on bail by a Coordinate Bench of this Court vide order dated 08.01.2025, passed in S.B. Criminal Misc. Bail Application No. 12989/2024 respectively.

Learned counsel for the petitioner further submits that the petitioner is in custody since 19.11.2025 and the trial of the case will take sufficiently long time, therefore, the benefit of bail may be granted to the accused-petitioner.

Per contra, learned counsel for the complainant has opposed the bail application and submitted that although, as per the statement of the injured, the allegation of inflicting the head injury is attributed to Jera Ram, it is alleged that during the course of the free fight, the petitioner also inflicted injuries by using his bangle (कड़ा). It is, therefore, contended that the head injury is also attributable to the present petitioner.

Learned Public Prosecutor has also vehemently opposed the bail application.

Having heard and considered the rival submissions, facts and circumstances of the case as well as perused the material available on record; considering the fact that the petitioner is in custody since 19.11.2025, co-accused person has already been enlarged on bail and the trial will take sufficiently long time to

conclude, without expressing any opinion on merits/demerits of the case, this Court is inclined to enlarge the petitioner on bail.

Consequently, the 2nd bail application under Section 483 of BNSS (439 of Cr.P.C.) is allowed. It is ordered that the accused-petitioner as named in the cause title, arrested in connection with the above mentioned FIR, shall be released on bail, if not wanted in any other case, provided he furnishes a personal bond of Rs.1,00,000/- and two sureties of Rs.50,000/- each, to the satisfaction of learned trial court, for his appearance before that court on each & every date of hearing and whenever called upon to do so till completion of the trial.

(MUKESH RAJPUROHIT),J

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