

RAJASTHAN HIGH COURT

सत्यमेव जयते

HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR

S.B. Criminal Miscellaneous Bail Application No. 1004/2026

Waaaj @ Abdul Waaaj S/o Yaar Mohd @ Naine Khan, Aged About
31 Years, R/o Malar Rin, P.S Phalodi District Phalodi.
(Presently Lodged In Central Jail Jodhpur)

----Petitioner

Versus

State Of Rajasthan, Through P

----Respondent

Connected With

S.B. Criminal Miscellaneous Bail Application No. 1005/2026

1. Makshood S/o Jamaldeen, Aged About 34 Years, R/o
Malar Rin P.S. Phalodi District Phalodi.
(Presently Lodged In Central Jail Jodhpur)
2. Umar Khan S/o Kasam Khan, Aged About 28 Years, R/o
Malar Rin, P.S Phalodi District Phalodi.
(Presently Lodged In Central Jail Jodhpur)

----Petitioners

Versus

State Of Rajasthan, Through PP

----Respondent

For Petitioner(s)	:	Mr. Kamal Singh Rathore Mr. Chail Singh
For Respondent(s)	:	Mr. Prem Singh Panwar, PP Mr. Vishal Sharma

HON'BLE MR. JUSTICE ASHUTOSH KUMAR

Order

24/02/2026

1. As these bail applications have been filed pertaining to the
same FIR, they are being heard and decided by the instant
common order.

2. These bail applications have been filed by the accused-applicants under Section 483 of the B.N.S.S, 2023 in the matter arising out of FIR No.8/2026, registered at Police Station Phalodi, District Phalodi, for the offences punishable under Sections 115(2), 126(2), 117(2), 109(1), 191(2), 191(3), 190, 324(5), 229(2) and 61(2) of the BNS, 2023 and Sections 3/25(1B)(A), 25(6) and 5/27 of the Arms Act.

3. Learned counsel for the accused-applicants submits that the accused-applicants have been falsely implicated in the present case. It is further submitted that, as per the allegations levelled in the impugned FIR, the accused-applicants are alleged to have used firearms and caused injuries to the injured Yusuf. However, the injury sustained by the injured Yusuf is on his little & index finger and is not dangerous to life. Learned counsel further submits that there is no specific allegation of firing, attributed to the present accused-applicants and the role of firing from a firearm has been specifically assigned to co-accused Aslam. It is also submitted that the accused-applicants were arrested on 05.01.2026 and have been in judicial custody since then. Learned counsel further submits that there exists a land dispute between the parties and a cross-FIR has also been registered against the complainant party, in which investigation is ongoing.

4. Learned counsel for the accused-applicants further contends that the accused-applicants have been in judicial custody since 05.01.2026. It is argued that the investigation as well as the trial is likely to take considerable time to conclude; therefore, the accused-applicants deserve to be enlarged on bail.

5. Per contra, learned Public Prosecutor as well as learned counsel for the complainant have vehemently opposed the bail applications and submitted that the allegations against the accused-applicants pertain to an offence of attempt to murder. Learned counsel further submits that the accused-persons did, what they can do and only god has saved the injured. Therefore, looking to the gravity and seriousness of the offence and the fact that two other criminal cases have already been registered against accused Maksood, it is prayed that the accused-applicants may not be enlarged on bail.

6. Heard learned counsel for the parties and also perused the material available on record.

7. Considering the overall facts and circumstances of the case; looking to the period of custody of the accused-applicants; the fact that none of the injuries suffered by the injured Yusuf has been opined to be dangerous to life and a cross case has also been registered against the complainant party and the accused-applicants were arrested on 05.01.2026, since then they were behind the bars and the trial will take long time to conclude, without expressing any opinion on the merits/demerits of the case, this Court deems it proper to allow these bail applications filed by the applicants.

8. Consequently, these bail applications filed under Section 483 of the B.N.S.S., 2023 are allowed. It is ordered that accused-applicants namely **(1) Waaj @ Abdul Waaj S/o Yaar Mohd @ Naine Khan, (2) Makshood S/o Jamaldeen & (3) Umar Khan S/o Kasam Khan**, arrested in connection with FIR No.8/2026,

registered at Police Station Phalodi, District Phalodi, will be released on bail; provided each of them furnishes personal bond in the sum of Rs.1,00,000/- each and two solvent attested sureties of Rs.50,000/- each to the satisfaction of the trial Court. Applicants will be required to appear before that Court on all dates of hearing and as and when called upon to do so.

(ASHUTOSH KUMAR),J

16 & 17- GKaviya/-