

**HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR**

S.B. Criminal Miscellaneous **2nd** Bail Application No. 1996/2026

Jepa Ram S/o Samela Ram, Aged About 27 Years, R/o
Kailashnagar PS Barlut Dist Sirohi (At Present Lodged In Dist.
Jail , Sirohi)

-----Petitioner

Versus

State Of Rajasthan, Through PP

-----Respondent

For Petitioner(s)	:	Mr. Ramniwas Bishnoi
For Respondent(s)	:	Mr. Narendra Gehlot, PP

HON'BLE MR. JUSTICE KULDEEP MATHUR

Order

13/03/2026

This second application for bail under Section 483 BNSS has been filed by the petitioner who has been arrested in connection with F.I.R. No.30/2023 registered at Police Station Barlut, District-Sirohi, for the offences under Sections 447, 452, 302/34 of IPC.

Heard learned counsel for the petitioner and learned Public Prosecutor. Perused the material available on record.

Learned counsel for the petitioner submitted that the complainant, Rakma, lodged a written report on 24.02.2023 before the SHO of Police Station Barlut, alleging that on 23.02.2023 at about 3:00-4:00 p.m., the petitioner along with his brothers, namely Jaita Ram @ Jaitiya and Gopiya, unlawfully entered her house. It was alleged that all the accused persons were armed with *lathis* and, without any provocation from the side of the complainant's husband, Motiram, started assaulting him

mercilessly. As a result, Motiram fell on the ground and was thereafter taken to the hospital. It was further alleged that Motiram succumbed to the injuries while undergoing treatment. Learned counsel submitted that as per the post-mortem report, the deceased Motiram died due to a head injury.

Drawing the attention of the Court to the statement of the complainant recorded before the competent Criminal Court as PW-2, learned counsel further submitted that the complainant has levelled omnibus allegations against all the three accused persons. Despite being an eye-witness to the incident, she has not assigned any specific role to the petitioner or to any other accused person regarding the author of the fatal injury on the head of the deceased.

Learned counsel further submitted that the statements of Dinesh, who was allegedly called by the complainant at the time of the incident, have also been recorded before the competent Criminal Court as PW-3. However, Dinesh (PW-3) has not supported the prosecution story during his Court statement and has turned hostile.

Lastly, learned counsel submitted that the petitioner has been in judicial custody since 25.02.2023. The statements of the material prosecution witnesses, namely the complainant and Dinesh, have already been recorded before the competent Criminal Court. Therefore, there is no apprehension of the petitioner influencing the material prosecution witnesses of the case. It was further submitted that the trial against the petitioner is not likely to conclude in the near future and, therefore, the

benefit of bail may be granted to the accused-petitioner.

Per contra, the learned Public Prosecutor has vehemently opposed the bail application.

Having considered the rival submissions as well as the facts and circumstances of the case, this Court *prima facie* finds that although, as per the post-mortem report, the cause of death of the deceased was head injury, the complainant Rakma, who is an eye-witness to the incident, during her Court statement has not assigned any specific role to the petitioner as the author of the sole injury on the head of the deceased. This Court also *prima facie* finds that the petitioner does not have any criminal antecedents, and the learned Public Prosecutor has not pointed out any apprehension of the petitioner influencing the remaining prosecution witnesses of the case or absconding from justice in case he is enlarged on bail.

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

Consequently, the second bail application under Section 483 BNSS is allowed. It is ordered that the accused-petitioner **Jepa Ram S/o Samela Ram** arrested in connection with F.I.R. No.30/2023 registered at Police Station Barlut, District-Sirohi, shall be released on bail, if not wanted in any other case, provided he furnishes a personal bond of Rs.50,000/- and two sureties of Rs.25,000/- 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.

It is however, made clear that findings recorded/observations made above are for limited purposes of adjudication of bail application. The trial court shall not get prejudiced by the same.

(KULDEEP MATHUR),J

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