

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

S.B. Criminal Miscellaneous Bail Application No. 2017/2026

Devaram S/o Shri Pataram, Aged About 25 Years, Gajesingh
Pura, Himmatpura , Ps Shergarh, Jodhpur Raj.
(Lodged In Dist. Jail, Jodhpur)

-----Petitioner

Versus

State Of Rajasthan, Through PP

-----Respondent

For Petitioner(s)	:	Mr. Jaswant Singh Bhati
For Respondent(s)	:	Mr. Narendra Gehlot, PP

HON'BLE MR. JUSTICE ASHUTOSH KUMAR

Order

24/02/2026

1. The present bail application has been filed by the accused-applicant under Section 483 of the B.N.S.S, 2023 against the order dated 31.01.2026 passed by learned Additional Sessions Judge, Balesar in connection with FIR No.165/2023, registered at Police Station Shergarh, District Jodhpur for the offences punishable under Sections 341, 323 and 302/34 of the IPC, by which the bail application of the accused-applicant under Section 483 of the B.N.S.S, 2023 has been dismissed.
2. Learned counsel for the accused-applicant submits that the accused-applicant has falsely been implicated in this matter. Learned counsel argues that the allegation against the accused-applicant is that he committed the murder of Durgaram, by inflicting an injury on his head with a stone. Learned counsel further submits that in the FIR itself, Genaram, Tilaram, Dungarram, Jogaram, Aamu @ Tijo Devi and Kaluram have been

named as eyewitnesses to the incident. It is further submitted that Chenaram (the complainant) son of the deceased, has been examined as PW-1 and the other eyewitnesses named in the FIR, namely Kaluram, Dungarram, Jogaram and Aamu @ Tijo Devi, have been examined before the trial court as PW-3, PW-4, PW-6 and PW-7, respectively. All these eyewitnesses, when examined before the trial court, they were turned hostile and have not supported the prosecution version. All the said witnesses have stated before the trial court that Durgaram died due to a fall on a stone, which caused the head injury. Learned counsel contends that the accused-applicant was arrested on 24.05.2023 and since then, he is behind the bars. Learned counsel prays that trial will take long time to conclude, therefore, the accused-applicant be enlarged on bail.

3. On the other hand, learned Public Prosecutor vehemently opposes the bail application and submits that one eyewitness, namely Tilaram has not yet been examined before the trial court; therefore, looking to the seriousness of the offence, the accused-applicant should not be enlarged on bail.

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

5. Having regard to the considering the facts and circumstances of the case, and further considering that the eyewitnesses named in the FIR, namely Kaluram, Dungarram, Jogaram and Aamu @ Tijo Devi, have been examined before the trial court as PW-3, PW-4, PW-6 and PW-7, respectively, and have turned hostile and have not supported the prosecution story; and that no other criminal case has been registered against the accused-applicant; that the

accused-applicant is behind the bars since 24.05.2023; that the charge-sheet has been filed and trial will take long time to conclude, but without expressing any opinion on the merits/demerits of the case, this Court deems it proper to allow the bail application filed by the accused-applicant.

6. Consequently, this bail application filed under Section 483 of the B.N.S.S, 2023 is allowed. It is ordered that accused-applicant **Devaram S/o Shri Pataram** arrested in FIR No.165/2023, registered at Police Station Shergarh, District Jodhpur shall be released on bail; provided he furnishes personal bond in the sum of Rs.**50,000/-** and two solvent **attested** sureties of Rs.**25,000/-** each to the satisfaction of the learned trial Court.

7. The Accused-Applciant shall be required to appear before that Court on all dates of hearing and as and when called upon to do so.

(ASHUTOSH KUMAR),J