

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

S.B. Criminal Miscellaneous Bail Application No. 2449/2025

Dilip S/o Capson Maida, Aged About 28 Years, Samapada,
Subhash Nagar, P.s. Sadar Banswara, Distt. Banswara (Raj.) (At
Present Lodged In Distt.jail Banswara)

-----Petitioner

Versus

State Of Rajasthan, Through Pp

-----Respondent

For Petitioner(s)	:	Ms. Manjula Choudhary
For Respondent(s)	:	Mr. Sameer Pareek, PP

HON'BLE DR. JUSTICE NUPUR BHATI

Order

15/07/2025

1. The instant bail application has been filed by the petitioner under Section 483 BNSS, who has been in custody in connection with FIR No.249/2024 dated 18.08.2024, registered at Police Station Sadar Banswara, District Banswara for the offence under Section 103(1) BNS ('Section 302 of IPC').
2. The case of the prosecution is that on 18.08.2024, mother of the petitioner i.e. complainant lodged an FIR and alleged that the petitioner, who was intoxicated, came at the house and demanded Rs.5,000/- and when his father refused to give the same, scuffle took place between the petitioner and his father during which, the petitioner inflicted a wooden stick (*lath*) blow on the head of his father due to which, he died and the petitioner fled away.
3. Learned counsel for the petitioner submits that the petitioner has been falsely roped in this case. She submits that an

altercation took place between petitioner and his father on account of which he fell down and received injury. She further submits that the wooden stick has been recovered from an open space i.e. agricultural field and thus, the same has not been recovered from the petitioner. She also submits that the charge-sheet has been filed and no recovery is due against the petitioner. She submits that the petitioner is suffering incarceration since 20.08.2024 and thus, he deserves to be released on bail.

4. Per contra, learned Public Prosecutor vehemently opposed the submissions advanced by the petitioner's counsel and submits that in the FIR, the mother of the petitioner (complainant) has levelled specific allegations against the petitioner and stated that Harish s/o Nattu and Dalichand s/o Kanti, were also present at the time of the incident and after the petitioner fled away, they helped the complainant in carrying her husband to the hospital. While drawing attention of this Court towards the charge-sheet, learned Public Prosecutor submits that in the statements recorded under Section 183 BNSS, the eye-witnesses viz. Harish and Dalichand both have stated that the petitioner who was intoxicated, had inflicted a wooden stick blow on the head of his father (deceased) and on account of which, his father suffered serious injury on his head and was declared dead by the concerned doctor at the hospital. Learned Public Prosecutor, thus, urges, that it is not a fit case to grant indulgence of bail to the petitioner.

5. After careful consideration of learned counsel for the parties and after perusing the material available on record and more particularly, looking to the nature and gravity of offence

committed by the petitioner, this Court is not inclined to grant indulgence of bail to the petitioner.

6. Accordingly, the instant bail application stands dismissed.

(DR. NUPUR BHATI),J

16-/Devesh/-