

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

S.B. Criminal Miscellaneous Bail Application No. 3743/2026
CNR: RJHC010287092026
URN: CRLMB / 8423U / 2026

Mohan S/o Padsiya Alias Parsha, Aged About 47 Years, R/o Ratanpura, Police Thana Sadar District Banswara (Lodged In Sub Jail Kushalgarh Dist. Banswara)

-----Petitioner

Versus

State of Rajasthan, Through PP

-----Respondent

For Petitioner(s)	:	Mr. Jitendra Ojha
For Respondent(s)	:	Mr. Urja Ram Kalbi, PP

HON'BLE MR. JUSTICE SUNIL BENIWAL

Order

06/07/2026

1. This application for bail has been filed by the petitioner under Section 483 of BNSS (old Section 439 of Cr.P.C.). The requisite details of the matter are tabulated herein below:

S.No.	Particulars of the Case	
1.	FIR Number	41/2026
2.	Date of lodging FIR	26.01.2026
3.	Concerned Police Station	Kushalgarh
4.	District	Banswara
5.	Offences alleged in the FIR	Sections 329(3) and 109(1) of BNS, 2023
6.	Offences added, if any	-

2. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the case and false allegations have been levelled against him. The allegation against the petitioner is that he stabbed the injured, Rohit, with a knife. Upon medical

examination, Rohit was found to have sustained a grievous injury. However, as per the injury report, the said injury has not been opined to be dangerous to life, therefore, offence under Section 109 of the BNS is not made out. He also submits that the dispute was between the family members. There are no criminal antecedents against the present petitioner. The petitioner is in judicial custody since 28.01.2026 and the trial will take sufficiently long time, therefore, he deserves to be enlarged on bail.

3. Learned Public Prosecutor vehemently opposes this bail application. However, he is not in a position to refute the submission that the injury sustained by the injured is not dangerous to life and there are no criminal antecedents against the present petitioner.

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

5. Having considered the rival submissions, facts and circumstances of this case and after perusing the charge-sheet so also considering the fact that petitioner is in judicial custody since 28.01.2026; there are no criminal antecedents; and the sole injury sustained by the injured is though grievous in nature but not dangerous to life, in the considered opinion of this Court, no fruitful purpose would be served by keeping the petitioner behind the bars for an indefinite period as the trial will take sufficiently long time. Thus, without expressing any opinion on merits/demerits of the case, this Court is of the opinion that the bail application filed by the petitioner deserves to be accepted.

6. Accordingly, the bail application filed under Section 483 of BNSS is allowed. It is ordered that petitioner- **Mohan S/o Padsiya Alias Parsha** shall be released on bail in connection with the aforesaid FIR; provided he executes personal bond in the sum of Rs.50,000/- with two sound and solvent sureties of Rs.25,000/- each to the satisfaction of learned trial Court for his appearance before that court on each and every date of hearing and whenever called upon to do so till the completion of the trial.

7. 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.

(SUNIL BENIWAL),J