

RAJASTHAN HIGH COURT

सत्यमेव जयते

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

S.B. Criminal Miscellaneous Bail Application No. 7775/2026
CNR: RJHC010574272026
URN: CRLMB / 17082U / 2026

Babulal S/o Omprakash, Aged About 25 Years, Thukriyasar,
Tehsil Sridoongargarh, District Bikaner, Rajasthan (At Present
Lodged In District Jail Bikaner)

-----Petitioner

Versus

State Of Rajasthan, Through PP

-----Respondent

For Petitioner(s)	:	Mr. Naman Mohnot
For Respondent(s)	:	Mr. Narendra Gehlot, PP with Mr. Om Prakash Choudhary Ms. Anjali Kaushik for Mr. Shree Kant Verma

HON'BLE MR. JUSTICE ASHOK KUMAR JAIN

Order

20/07/2026

1. The present bail application under Section 483 of BNSS is filed by the applicant-accused **Babulal S/o Omprakash** seeking bail in respect of a criminal case registered as FIR No.126/2025 dated 23.05.2025 registered at Police Station Sridoongargarh, District Bikaner, for the offence under Sections 103(1) & 3(5) of BNS, 2023.
2. Learned counsel for the applicant submits that the applicant has been falsely implicated in the matter and the investigation against him is complete and he is no more required in investigation. He further submits that there are no chance of fleeing of applicant accused from the

jurisdiction of this Hon'ble Court. He also submits that the applicant undertakes not to repeat offence and cooperate with investigation/trial, which will take time.

3. Learned counsel for the applicant submits that complainant-Raju has lodged a report on the basis of information received from villagers about the assault upon his brother but he has not mentioned any person for involvement in the incident. He further submitted that on basis of this report against unknown persons the police has investigated the matter and during investigation police has recorded statement of witnesses and further analysis the call details and during investigation did not collected any evidence to show that present applicant-accused is anyway involved in making assault upon deceased- Mala Ram. He also submitted that not a single person is named either by complainant or by any other witness to show that present applicant-accused has assaulted in any manner. He also submitted that the conclusion drawn by police clearly indicate that Navratan and Ram Niwas gave beatings to deceased and same is also evident from the CCTV footage and analysis made by police. He also submitted that neither any CCTV footage nor in any of the evidence present applicant-accused is shown as in the company of deceased soon before the assault. He also submitted that deceased was in the company of Ram Niwas and Navratan but there is no evidence to connect present applicant-accused with the alleged incident.
4. Learned counsel has further referred the evidence recorded so far and submitted that PW-1 Ashok has mentioned

Navratan and his son-in-law but he has not mentioned any third person in the incident. He also referred the statement of PW-2 Hari Ram and submitted that at the time of taking him to hospital the deceased was in an unconscious condition and PW-2 has not seen anyone to name for involvement in the incident. He further referred statement of PW-3 Sonu and submitted that he has also not deposed against the applicant-accused. He further referred the statement of PW-4 Mukesh and submitted that he is also a hearsay witness. He referred the statement of PW-5 Shivlal and submitted that he has been declared hostile and not supported the case of prosecution. At last he submitted that present applicant-accused is in custody since his arrest on 25.03.2023 and till date only five witnesses were examined.

5. Aforesaid contentions were opposed by learned Public Prosecutor and learned counsel for complainant. Learned counsel for complainant has submitted that a tractor has been recovered at the instance of present applicant-accused and further there is FSL report against the applicant-accused. She also submitted that the CDR analysis clearly indicate that present applicant-accused was present during the entire incident.
6. Heard learned counsel for the parties and learned Public Prosecutor. Perused the material placed on record by both the parties.
7. On basis of report dated 23.03.2025 about the incident of 22.03.2025 resulting in death of his brother- Mala Ram FIR No. 126/2025 was registered at PS Sridoonagarh, District

Bikaner on 23.03.2025 against unknown persons. Police has investigated the matter and after investigation filed a charge-sheet against present applicant-accused, Navratan and Ramniwas under Section 103 (1) and 3(5) of BNS and present applicant-accused is in custody since his arrest on 25.03.2025. Five witnesses have been examined so far by the prosecution.

8. The evidence collected during investigation clearly suggest that a tractor has been recovered at the instance of present applicant-accused on 27.03.2025 and same was examined by Mobile Forensic Unit. There was presence of human blood. The police has also collected call details of present applicant-accused and further analysed CDRs. In analysis report dated 09.05.2025 the police has specifically mentioned call details about present applicant-accused. The statement of Rameti, who is wife of deceased- Mala Ram clearly indicate that around 10'o clock when she called present applicant-accused then applicant-accused has replied her that Mala Ram will return soon to home. A FSL report dated 24.03.2026 is referred by learned Public Prosecutor and learned counsel for complainant and its conclusion clearly indicate that the source of male DNA profile obtained from blood sample of deceased- Mala Ram is matching with bud-smear from tractor, T-shirt of accused- Ram Niwas and shirt of accused-Navratn.
9. Having considered the entire material indicate that there are some evidence on record against the applicant-accused and

looking the evidence I am of considered view on that this is not a fit case to enlarge bail to present applicant-accused.

10. Accordingly, the application for bail filed under Section 483 of BNSS preferred by **Babulal S/o Omprakash** is hereby dismissed.

(ASHOK KUMAR JAIN),J