

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

S.B. Criminal Miscellaneous **2nd** Bail Application No. 9122/2025

Babulal S/o Shri Narsiram, Aged About 41 Years, R/o Sajanwasi,
Tehsil Nokha, District Bikaner, Rajasthan. (Presently Lodged At
Sub-Jail Nokha, District)

-----Petitioner

Versus

State Of Rajasthan, Through Pp

-----Respondent

For Petitioner(s)	:	Mr. Dharendra Singh, Sr. Adv. Mr. Pradeep Rajpurohit Mr. Gopi Kishan
For Respondent(s)	:	Mr. Narendra Gehlot, PP Mr. Pravin Vyas & Mr. Harshvardhan Singh for complainant

HON'BLE MR. JUSTICE KULDEEP MATHUR

Order

08/05/2026

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.33/2024 registered at Police Station Jasrasar, District Bikaner, for the offences under Sections 302, 427, 506 and 341/34 of IPC.

Heard learned counsel for the parties. Perused the material available on record.

Learned counsel for the petitioner submitted that the petitioner has been falsely implicated in the present case. Learned counsel submitted that the complainant, Premchand, lodged an FIR stating therein that on 23.02.2024, he along with the deceased, Munni Ram, was returning to their village from the

agricultural field on a motorcycle. It was alleged that the petitioner and co-accused persons, namely Kapil, Ashok, Rakesh, Surja Ram and Dinesh, armed with blunt weapons such as lathis and sariya, intercepted them on the way and, without any provocation from their side, started assaulting them. In the said incident, Munni Ram sustained grievous injuries and subsequently succumbed to the same during treatment.

Learned counsel further submitted that although the complainant, in the FIR, named the petitioner along with Kapil, Ashok, Rakesh, Surja Ram and Dinesh as assailants, the police, after conducting investigation, filed the charge-sheet only against the present petitioner and co-accused Dinesh and Kapil. Thus, according to learned counsel, the version narrated by the complainant in the FIR was not found to be a wholly correct account of the incident.

It was further submitted that during the course of investigation, the police recovered CCTV footage, which prima facie establishes the presence of co-accused Kapil and Dinesh at the place of occurrence; however, the said footage does not conclusively establish the presence of the present petitioner at the spot.

Learned counsel also submitted that no blunt weapon alleged to have been used in the commission of the offence has been recovered at the instance of the petitioner. It was further contended that the petitioner is in judicial custody and the conclusion of the trial is likely to take considerable time.

Therefore, it was prayed that the benefit of bail be granted to the accused-petitioner.

Per contra, learned Public Prosecutor and learned counsel appearing for the complainant vehemently opposed the bail application.]

Having considered the rival submissions and the facts and circumstances of the case, this Court *prima facie* finds that although the complainant, both in the FIR as well as in his statement recorded before the competent criminal Court, named the petitioner along with Kapil, Ashok, Rakesh, Surja Ram and Dinesh as assailants, the police, after investigation, did not find the version narrated by the complainant to be fully correct and did not file charge-sheet against certain named persons including Rakesh, Ashok and Surja Ram. The protest petition preferred by the complainant has also been rejected by the competent criminal Court.

This Court further finds that no blunt weapon allegedly used in the commission of the offence has been recovered at the instance of the present petitioner. Moreover, the analysis of the CCTV footage available on record does not conclusively establish the presence of the petitioner at the place of occurrence. The petitioner is in judicial custody and the statement of the complainant has already been recorded before the competent criminal Court; therefore, there appears to be no apprehension of the petitioner influencing the complainant. Learned Public Prosecutor has also failed to point out any specific apprehension regarding the petitioner absconding or influencing the remaining

material prosecution witnesses, in the event he is enlarged on bail. Accordingly, 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 **Babulal S/o Shri Narsiram** arrested in connection with F.I.R. No.33/2024 registered at Police Station Jasrasar, District Bikaner, 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