

RAJASTHAN HIGH COURT

सत्यमेव जयते

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

S.B. Criminal Miscellaneous Bail Application No. 14555/2025
CNR: RJHC011098952025 | URN: CRLMB / 30316U / 2025

Rajmal @ Raju S/o Babulal, Aged About 26 Years, R/o Mojal (Bori) PS Pipalkhunta Dist Pratapgarh (At Present Lodged In District Jail Pratapgarh)

----Petitioner

Versus

State Of Rajasthan, Through PP

----Respondent

Connected With

S.B. Criminal Miscellaneous Bail Application No. 4840/2025
CNR: RJHC010378512025 | URN: CRLMB / 10389U / 2025

Banshilal Urf Sewalal S/o Bapulal Urf Bapuda, Aged About 20 Years, Resident Of Mojal Bori Police Station Pipalkhunt District Pratapgarh Rajasthan (Lodged In Dist. Jail Pratapgarh)

----Petitioner

Versus

State Of Rajasthan, Through PP

----Respondent

For Petitioner(s) : Mr. R.C. Purohit.
Mr. Vishan Das Vaishnav (through VC)
For Respondent(s) : Mr. Urja Ram Kalbi, PP

HON'BLE MR. JUSTICE SUNIL BENIWAL
Order

28/07/2026

1. These applications for bail have been filed by the petitioners 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	0175/2024
2.	Date of lodging FIR	19.11.2024
3.	Concerned Police Station	Piplikhunt
4.	District	Pratapgarh
5.	Offences alleged in the FIR	115(2), 126(2) & 3(5) of BNS, 2023
6.	Offences added, if any	Section 103(1) BNS

2. Learned counsel for the petitioners submits that the petitioners have been falsely implicated in the case and false allegations have been levelled against them, whereas they have no connection with the incident in question and they have been made accused merely for the reason that they are brothers of principal accused Ram Lal. He further submits that during pendency of the present bail applications, the statement of three witnesses have been recorded.

2.1. While referring to the statement of PW-2 Neema (wife of the deceased), he submits that she has not attributed any specific role to the present petitioners. The allegations levelled against all the accused are omnibus in nature. In the cross-examination, she stated that she had not witnessed the incident and she reached at the site and saw her husband lying and blood was oozing out from his mouth. He submits that as a matter of fact, the wife of the deceased had not seen the incident. Learned counsel for the petitioners further submits that though in the FIR, wife of the deceased stated that she had seen the incident and even attempted to save her husband and even she got injured, however, she has deposed in her examination-in-chief that she did not sustain any injury.

2.2. While referring to the statement of PW-3 Udai Lal, learned counsel submits that he is also not reliable for the reason that though he has deposed in the examination-in-chief that he has seen the incident, however, in the cross-examination, he has stated that he reached at the place of incident and wife of the deceased was already present there. The version as narrated by

Udai Lal is not trustworthy as on one side, he is stating that he has seen the present crime being committed, and petitioner and other co-accused assaulting deceased, however, he at the same time states that he reached on the site and PW-2 was already present. When PW-2 Neema herself had not seen the incident then the version of Udai Lal cannot be considered as trustworthy. He submits that out of 21 witnesses, only 03 witnesses have been examined so far.

2.3. The petitioners are in judicial custody since 26.11.2024 and 12.12.2024 respectively and the trial will take sufficiently long time, therefore, they deserve to be enlarged on bail.

3. Learned Public Prosecutor vehemently opposes the bail applications.

4. Heard learned counsel for the petitioners 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 challan papers and statements of PW-2 Neema and PW-3 Udai Lal so also considering the fact that the allegations against the present petitioners are omnibus in nature; PW-2 reached on the spot after the incident had occurred so also considering that statement of PW-3 which makes his presence doubtful; neither PW-2 nor PW-3 has assigned any specific role to the present petitioners in committing the crime in question and that the prosecution has not expressed any apprehension qua the petitioners fleeing away from justice, in case they are enlarged on bail, in the considered opinion of this Court, no fruitful purpose would be served by

keeping the petitioners 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 these bail applications filed by the petitioners deserve to be accepted.

6. Accordingly, the bail applications filed under Section 483 of BNSS are allowed. It is ordered that petitioners – **Rajmal @ Raju S/o Babulal and Banshilal @ Sewalal S/o Bapulal @ Bapuda**, shall be released on bail in connection with the aforesaid FIR; provided they execute personal bond in the sum of Rs.50,000/- each with two sound and solvent sureties of Rs.25,000/- each to the satisfaction of learned trial Court for their 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