

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

S.B. Criminal Miscellaneous **4th** Bail Application No. 14600/2025

Kuchare Khan Alias Kutale Khan S/o Mishri Khan, Aged About 33 Years, Resident Of Bhainsda, Tehsil Pokaran, Policestation Sankda, District Jaisalmer Raj.presently Lodged In District Jail Jaisalmer

----Petitioner

Versus

State Of Rajasthan, Through Public Prosecutor

----Respondent

For Petitioner(s)	:	Mr. Zeeshan Ali. Mr. Aslam Khan.
For Respondent(s)	:	Mr. Narendra Gehlot, PP.

HON'BLE MR. JUSTICE KULDEEP MATHUR

Order

25/02/2026

This fourth application for bail under Section 483 of BNSS has been filed by the petitioner who has been arrested in connection with F.I.R. No.78/2024 registered at Police Station Sankda, District Jaisalmer, for offences under Sections 115(2), 118(1), 118(2), 109(1) and 331(7) of BNS.

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

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case. It is contended that the statements of the eye-witnesses to the alleged incident, namely Mahendra Kumar and Anil Kumar, have already been recorded before the competent Criminal Court. Therefore, there remains no apprehension of the petitioner influencing the material

prosecution witnesses or absconding, in the event he is enlarged on bail.

Learned counsel further submits that a negative FSL report has been received with regard to the blood stains allegedly found on the sharp-edged weapon (axe) said to have been used in the commission of the offence.

It is also submitted that the petitioner is in judicial custody since 08.07.2024 and that the trial of the case is likely to take considerable time to conclude. On these grounds, learned counsel has implored the Court to enlarge the petitioner on bail.

Per contra, learned Public Prosecutor has opposed the bail application and submitted that the petitioner, in a premeditated manner, inflicted a head injury upon the injured Vivekanand. Considering the gravity and seriousness of the allegations, it is urged that the petitioner does not deserve to be enlarged on bail. However, the learned Public Prosecutor is not in a position to refute the fact that the statements of the material prosecution witnesses, including the eye-witnesses Mahendra Kumar and Anil Kumar, have already been recorded.

Having considered the rival submissions and the facts and circumstances of the case, this Court, without expressing any opinion on the merits or demerits of the case, is inclined to enlarge the petitioner on bail.

Consequently, the fourth bail application under Section 483 of BNSS is allowed. It is ordered that the accused-petitioner **Kuchare Khan Alias Kutale Khan S/o Mishri Khan** arrested in connection with F.I.R. No.78/2024 registered at Police Station

Sankda, District Jaisalmer, 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