

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

S.B. Criminal Miscellaneous Bail Application No. 15261/2025

Devilal S/o Mangilal, Aged About 40 Years, Motha, P.s. Kotwali
Nimbahera, District Chittorgarh Raj. (At Present Lodged At Sub
Jail Nimbahera)

-----Petitioner

Versus

State Of Rajasthan, Through Pp

-----Respondent

For Petitioner(s)	:	Mr. Sikander Khan
For Respondent(s)	:	Mr. Hanuman Singh Prajapat, PP

HON'BLE MR. JUSTICE SUNIL BENIWAL

Order

18/02/2026

1. This application for bail has been filed by the petitioner under Section 483 of BNSS (old Section 439 of Cr.P.C.) in connection with FIR No.478/2025 dated 26.10.2025, Police Station Nimbahera, District Chittorgarh, for the offences under Sections 109(1), 126(2), 115(2), 189(2), 351(2) and 351(3) of BNS, 2023. After investigation, offence under Section 118(2)/3(5) of the BNS, 2023 were added.

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. A wooden lathi/stick has been recovered from the present petitioner. In the alleged incident, two persons, namely Mukesh and Kishore, sustained injuries. Though omnibus allegations have been levelled in the FIR as well as in the statements of the injured witnesses, however, it is contended that after investigation, the Investigating Officer has concluded that

the petitioner was carrying a wooden lathi/stick in his hand and is alleged to have caused injury by the said weapon, whereas other specific weapons have been attributed to the co-accused persons. Referring to the injury reports, learned counsel submits that only Injury No.1 sustained by injured Mukesh has been opined to be grievous in nature, however, the said injury has been opined to be caused by sharp-edged weapons. It is contended that the weapon allegedly recovered from the present petitioner is a blunt weapon (lathi), and therefore, the aforesaid grievous injury cannot be attributed to him. So far as the injury sustained by Kishore is concerned, the same has been opined to be simple in nature. It is further submitted that the petitioner is in judicial custody since 02.12.2025 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 and submits that the injury caused to the injured person is grievous in nature and dangerous to life, attracting the provisions of Section 109 of the BNS and looking to the serious nature of the allegations, the petitioner may not be enlarged on bail.

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

5. Having considered the rival submissions, the facts and circumstances of the case and after perusing the challan papers, as well as the fact that there are omnibus allegations in the FIR and in the statements of the injured witnesses, namely Mukesh and Kishore and also considering that the injuries attributed to the present petitioner are simple in nature as Lathi has been

recovered from him, 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- **Devilal S/o Mangilal** 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