



**HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR**

S.B. Criminal Miscellaneous Second Bail Application No.
1462/2026

Kamal Kumar Khinchi @ Kamlesh Son of Shri Gorishankar, aged 19 Years, Resident of Khatikon Ka Mohalla, Ward No.2, Kankra, Police Station Dantaramgarh, District Sikar. (Accused Petitioner presently confined in District Jail Sikar).

----Petitioner

Versus

State of Rajasthan, Through PP

----Respondent

For Petitioner(s)	:	Ms. Aradhana Swami
For Respondent(s)	:	Ms. Arti Sharma, PP
For Complainant(s)	:	Mr. Nitin Kumar Sharma

HON'BLE MR. JUSTICE ANIL KUMAR UPMAN
Order

04/05/2026

1. This second bail application under Section 483 of BNSS has been filed on behalf of the petitioner, who has been arrested in connection with FIR No.219/2025 registered at Police Station Danta Ramgarh, District Sikar (Rajasthan) for offences punishable under Sections 115(2), 109(1) & 189(2) of the Bharatiya Nyaya Sanhita, (in short 'BNS') 2023. After completion of investigation, police filed charge-sheet in this matter for offences punishable under Sections 115(2), 103(1), 190 & 191(3) of the BNS, 2023.

2. The first bail application filed on behalf of the petitioner was dismissed as withdrawn by this Court vide order dated 11.09.2025 while giving liberty to renew the prayer for bail before the learned trial Court after submissions of result of investigation. After submission of result of investigation, fresh bail application was filed by the petitioner before the learned trial Court however, same was



dismissed vide order dated 25.11.2025. Thus, this second bail application has been filed on behalf of the petitioner.

3. Learned counsel appearing on behalf of the petitioner submits that the petitioner has falsely been implicated in this case. Counsel submits that eight witnesses have been examined during the course of trial including complainant namely Manoj Kumar Sagar who is cousin of the deceased. Counsel submits that the witnesses examined so far have not supported the prosecution story and they have been declared hostile. Counsel submits that apart from this, allegation of causing injury on the head on the deceased is against the co-accused Shivraj. Counsel submits that according to the post-mortem report, cause of death is "coma" brought about as a result of ante-mortem head injury. Counsel submits that there is allegation against the petitioner of causing injury on the person of the deceased by an iron rod however, during the course of investigation, one bamboo stick was recovered at the instance of petitioner and according to the FSL report, no blood stain was found thereon. It is submitted that there are no criminal antecedents against the petitioner and trial will take considerable time in its conclusion. Counsel further submits that the petitioner is in custody since 14.06.2025 and further custody of the petitioner would not serve any fruitful purpose.

4. Learned Public Prosecutor as well as learned counsel for the complainant opposes the submissions advanced on behalf of the petitioner. It is submitted that according to the charge-sheet, petitioner has actively participated in the commission of the crime. However, they fairly concede that the witnesses examined so far



have not supported the prosecution story and they have been declared hostile.

5. I have considered the contentions.

6. Having regard to the totality of the facts and circumstances of the case; considering the arguments advanced at bar, especially considering the fact that according to the charge-sheet, allegation of causing injury on the head of the deceased is against co-accused Shivraj, as also considering the fact that there are no criminal antecedents against the petitioner and trial will take considerable time in its conclusion as well as looking to the period of custody, but without commenting anything on the merits/demerits of the case, I deem it fit and proper to allow the second bail application.

7. This second bail application is accordingly allowed and it is directed that accused-petitioner- **Kamal Kumar Khinchi @ Kamlesh Son of Shri Gorishankar** shall be released on bail provided he furnishes a personal bond in the sum of Rs.1,00,000/- (Rupees One Lakh only) together with two sureties in the sum of Rs.50,000/- (Rupees Fifty Thousand only) each to the satisfaction of the learned trial Court with the stipulation that he shall appear before that Court and any Court to which the matter is transferred, on all subsequent dates of hearing and as and when called upon to do so.

8. The observations made hereinabove are only for decision of the bail application and would not have any impact on the trial of the case in any manner.

(ANIL KUMAR UPMAN),J