

RAJASTHAN HIGH COURT

सत्यमेव जयते

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Criminal Miscellaneous Bail Application No. 11497/2025

Munesh Kumar S/o Ramdayal, Aged About 33 Years, R/o Village Karoli, Post Arurva, Tehsil Kathumar, District Alwar (Raj.)
(Accused Petitioner is in Judicial Custody In Central Jail Alwar)

-----Petitioner

Versus

The State Of Rajasthan, Through The PP

-----Respondent

For Petitioner(s)	:	Mr. Rajneesh Gupta, Adv. Mr. Aamir Khan, Adv. Ms. Chanchal, Adv. Mr. Utkarsh Goyal, Adv.
For Respondent(s)	:	Mr. Rhishi Raj Singh Rathore, PP
For Complainant	:	Mr. Rohitash Kumar Saini, Adv. for Mr. Rakesh Kumar Saini, Adv.

HON'BLE MR. JUSTICE PRAVEER BHATNAGAR

Order

29/04/2026

1. The instant bail application has been filed under Section 483 BNSS on behalf of accused-petitioner. The accused-petitioner has been arrested in connection with FIR No.172/2025, registered at Police Station Kathumar, District Alwar for the offence(s) under Sections 189(2), 115(2), 126(2) and 329(3) of BNS.
2. Learned counsel for the accused-petitioner submits that the accused-petitioner has falsely been implicated for the offences under Sections 115(2), 126(2), 103(1), 117(2) and 3(5) of BNS. It is contended that the prosecution has examined seven witnesses and in their deposition before the Court they have stated different versions. It is also contended that initially the FIR was lodged naming nine persons alleging assault with the aid of

hockey sticks, farsi and rods on Lokesh Saini, Hardayal and Ritesh. In the FIR, it was specifically mentioned that Vijay caused head injury with the aid of *farsi* to Ritesh and Munesh inflicted injury through a rod on the back of the deceased Ritesh; however, after thorough investigation Police charge-sheeted the present petitioner and the other co-accused namely- Ramdayal and child in conflict with law 'X', and exonerated the other co-accused named in the FIR. It is further contended that the version of the injured witnesses and the other eye-witnesses in their statements rendered under Section 180 of BNSS was inconsistent and even in the Court statements, they have gone beyond the statements which were rendered under Section 180 of the BNSS. It is argued that the deceased Ritesh sustained two injuries, one on his frontal region and the other on the occipital region, apart from that there were no injuries present on the body of the deceased and the deceased Ritesh did not receive any injury on his back by any weapon, therefore, since from inception the allegations against the petitioner that he struck the deceased with the aid of rod at his back, as mentioned in the FIR were wrong. It is further argued that the prosecution has cited two independent witnesses Mukesh and Rajesh and they have also been examined before the Court as PW.2 and PW.5 respectively, however, they have turned hostile and not supported the prosecution story. It is further contended that injured PW.1 Lokesh in his examination-in-chief has stated that Vijay inflicted injuries with the help of '*farsi*' on the head of the deceased and the petitioner inflicted injuries on the back of the deceased Ritesh with the help of a rod. The witness has improved his earlier statement rendered before the Police under

Section 180 of BNSS and in his cross-examination denied that statement Exhibit-D1 was given by him. Similarly, the other witness PW.3 Hardayal in his examination-in-chief has also stated that Vijay inflicted injuries at the head of the deceased with the aid of *farsi* and the present petitioner caused injuries with the aid of rod on the back of the deceased. The statements of PW.4 Hariom who also turned hostile and has not supported the prosecution story. It is also contended that the other eye-witnesses namely, PW.6 Ramvir and PW.7 Balram in their deposition before the Court have entirely changed the prosecution story. It is further contended that the accused-petitioner is in custody since 22.06.2025, there are no criminal antecedents against the accused-petitioner and trial of the case may take considerable time, therefore, the bail application of the accused-petitioner may be allowed.

3. Learned Public Prosecutor as well as learned counsel appearing on behalf of the complainant have vehemently opposed the bail application and contended that the petitioner along with the other co-accused caused a fatal injury at the head of the deceased Ritesh, resulting into his death. The witnesses in their deposition before the Court have clearly stated that the petitioner along with the other co-accused were present and participated in assaulting the deceased along with the other injured witnesses, therefore, considering the statements of the witnesses examined before the Court, the bail application of the accused-petitioner may be dismissed.

4. Heard and perused the material available on record.

5. It is not desirable to express anything on the merits of the case. Considering the arguments advanced by counsel for the petitioner and after perusing the statements of the witnesses, this Court deems it just and proper to enlarge the accused-petitioner on bail.

6. Accordingly, the bail application under Section 483 BNSS is allowed and it is ordered that the accused-petitioner- **Munesh Kumar S/o Ramdayal**, in connection with FIR No.172/2025, registered at Police Station Kathumar, District Alwar, shall be enlarged on bail provided he furnishes a personal bond in the sum of Rs.50,000/- with two sureties of Rs.25,000/- each to the satisfaction of the learned trial Judge for his appearance before the court concerned on all the dates of hearing and as and when called upon to do so.

(PRAVEER BHATNAGAR),J