HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Criminal Miscellaneous 2nd Bail Application No. 385/2026
CNR: RJHC020015262026 | URN: CRLMB / 682U / 2026

Surjeet S/o Bhikku, Aged About 24 Years, R/o Khanua, Police Station Gehnoli Mod District Bharatpur. At Present In Sub Jail Bayana.

----Petitioner

Versus

State Of Rajasthan, Through PP

----Respondent

Connected With

S.B. Criminal Miscellaneous Bail Application No. 1571/2026
CNR: RJHC020059202026 | URN: CRLMB / 2803U / 2026

Satish S/o Bhambho @ Mukesh, Aged About 24 Years, R/o Khanua, Police Station Gahnouli Mode, District Bharatpur. (At Present Confined In Central Jail, Sewar).

----Petitioner

Versus

The State Of Rajasthan, Through PP

----Respondent

For Petitioner(s)	:	Mr. Harender Singh, Adv. Mr. Namonarayan Meena, Adv. Mr. Kapil Nagayach, Adv.
For Respondent(s)	:	Ms. Arti Sharma, PP

HON'BLE MR. JUSTICE ANIL KUMAR UPMAN

Order

26/10/2026

1. These applications for bail under Section 483 of BNSS have been filed on behalf of the petitioners, herein, who have been arrested in connection with FIR No.206/2024 registered at Police Station Gehnoli Mod, District Bharatpur for offences punishable under Sections 191(2), 191(3) 190, 115(2), 126(2), 103(1),

303(2) and 352 of the Bharatiya Nyaya Sanhita, (in short 'BNS') 2023. After completion of investigation, police filed charge-sheet against the petitioners for offences punishable under Sections 115(2), 126(2), 103(1), 352 and 3(5) of the BNS, 2023.

2. The first bail application filed on behalf of the petitioner Surjeet was dismissed as withdrawn by this Court vide order dated 06.08.2025 while giving liberty to renew the prayer for bail after recording the testimony of complainant, witness Ramgopal and Medical expert, who conducted the postmortem of the deceased. Now, all the aforementioned witnesses have been examined during the course of trial thus, the second bail application has been filed on behalf of petitioner Surjeet.

3. It is contended by learned counsel for the petitioners that the petitioners have falsely been implicated in this case. It is contended that according to the medical expert, only one fatal injury was found on the head of the deceased and other injuries have been described as abrasions. The cause of death is sole fatal injury. Counsel submit that the said injury has been attributed to both the petitioners. It is alleged that the petitioner Surjeet was armed with iron rod and petitioner Satish was armed with sharp edged weapon (*Baank*). Counsel submits that despite allegation of causing injury on the head of the deceased with iron rod (*Baank*), only bamboo sticks have been recovered at the instance of the petitioners and the said bamboo sticks are not blood stained. Counsel submit that there is no criminal antecedent against the petitioners and trial is likely to take considerable time in its conclusion. Counsel submit that petitioners are in custody since

11.10.2024 and as such, they have already suffered incarceration of more than two years. Further custody of the petitioners would not serve any fruitful purpose.

4. It is also argued that the learned trial Court has accepted the application filed by the prosecution under Section 358 of BNSS (corresponding to Section 319 of Cr.P.C.) and summoned additional accused and the case is presently pending service on them. Counsel submit that in these circumstances, de novo trial would be conducted, which would further cause delay in culmination of the trial.

5. Per contra, the learned State counsel vehemently opposes the submissions advanced on behalf of the petitioners. It is submitted that there is serious allegations against the petitioners of causing death of the deceased. Thus, looking to the nature and gravity of offence, benefit of bail may not be extended to the petitioners.

6. I have considered the contentions.

7. Having regard to the totality of the facts and circumstances of the case and considering the arguments advanced by learned counsel for the petitioners, especially considering the material available on record, as also considering the fact that it is a case of sole fatal injury, so also the fact that additional accused have been summoned in the case, there is no criminal antecedent against the petitioners and trial is likely to take considerable time in its conclusion as well as looking to the period of custody which is more than two years, but without commenting anything on the

merits/demerits of the case, this Court deems it fit and proper to allow these bail applications.

8. Accordingly, these bail applications are allowed and it is directed that accused-petitioners **(1) Surjeet S/o Bhikku** and **(2) Satish S/o Bhambho @ Mukesh** shall be released on bail, provided each of them furnishes a personal bond in the sum of Rs.1,00,000/- together with two sureties in the sum of Rs.50,000/- each to the satisfaction of the learned trial Court with the stipulation that they 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.

9. 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

55 & 56/Manoj Solanki