HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Criminal Miscellaneous Bail Application No. 16269/2026
CNR: RJHC020998542026 | URN: CRLMB / 30091U / 2026

1. Omprakash @ Oma Gurjar Son of Sharwan, aged 32 Years, Resident of Badi, Police Station Bijaynagar, District Beawar. (At Present In Central Jail, Ajmer).
2. Kanhaiya Lal @ Kana Gurjar Son of Sharwan Gurjar, aged 33 Years, Resident of Badi, Police Station Bijaynagar, District Beawar. (At Present In Central Jail, Ajmer).

----Petitioners

Versus

State of Rajasthan, through P.P.

----Respondent

For Petitioner(s)	:	Mr. Vijay Singh for Mr. Shyam Bihari Gautam
For Respondent(s)	:	Mr. Amit Gupta, PP

HON'BLE MR. JUSTICE ANIL KUMAR UPMAN

Order

27/10/2026

1. This bail application under Section 483 of BNSS has been filed on behalf of the petitioners, who have been arrested in connection with FIR No.241/2025 registered at Police Station Vijay Nagar, District Beawar for offences punishable under Sections 189(2), 190, 329(3), 126(2), 115(2), 352 and 103(1) 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), 126(2), 3(5), 103(1) and 117(2) of BNS, 2023.

2. It is contended by learned counsel for the petitioners that the accused-petitioners have falsely been implicated in this case.

It is submitted that alleged sole eye-witness has not supported the prosecution case and has been declared hostile by the prosecution. It is submitted that the said witness, in her examination-in-chief named the petitioners amongst those, who committed the alleged offence, however, during cross-examination, she categorically admitted that after her husband arrived at the field, she returned home and was not present at the place of occurrence when the alleged incident involving her husband took place. Counsel submits that co-accused namely, Balmukund @ Pappu Gurjar has been granted the benefit of bail by a Co-ordinate Bench of this Court and co-accused namely, Sharwan Gurjar has been granted benefit of bail by this Court. Counsel Submits that complainant has also not supported the prosecution's story and has been declared hostile. It is submitted that trial is likely to take considerable time in its conclusion. He contends that the petitioners are in custody since 16.07.2025 and further custody of the petitioners would not serve any fruitful purpose.

3. Learned Public Prosecutor opposes the submissions advanced on behalf of petitioners. It is submitted that the petitioners are duly named in the testimony of the sole eye-witness. Further, one other case has also been registered against the petitioners. However, he fairly concedes that she has been declared hostile.

4. I have considered the contentions.

5. Having regard to the totality of the facts and circumstances of the case; considering the arguments advanced by learned counsel for the parties, especially the fact that complainant and

sole eye-witness have been declared hostile by the prosecution, as also the fact that co-accused persons have been granted the benefit of bail by a Co-ordinate Bench of this Court as well as this Court and trial is likely to take considerable time in its conclusion as well as looking to the custody period, but without commenting anything on the merits/demerits of the case, this Court deems it proper to allow the bail application.

6. This bail application is accordingly allowed and it is directed that accused-petitioners – **(1) Omprakash @ Oma Gurjar Son of Sharwan** and **(2) Kanhaiya Lal @ Kana Gurjar Son of Sharwan Gurjar** 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.

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

(ANIL KUMAR UPMAN),J

101/LALIT MOHAN