HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JODHPUR

S.B. Criminal Miscellaneous Bail Application No. 9975/2026
CNR: RJHC010726022026 | URN: CRLMB / 21840U / 2026

1. Mohanram S/o Somaram, Aged About 38 Years, R/o Rohicha Khurd P.s. Luni Jodhpur Rajasthan (Presently Lodged In Central Jail Jodhpur)
2. Jitendra S/o Somaram, Aged About 33 Years, R/o Rohicha Khurd P.s. Luni Jodhpur Rajasthan (Presently Lodged In Central Jail Jodhpur)

----Petitioners

Versus

State Of Rajasthan, Through Pp

----Respondent

For Petitioner(s)	:	Mr. Sanjay Bishnoi Mr. Naresh Rajpurohit
For Respondent(s)	:	Mr. Surendra Bishnoi, PP Mr. R.K. Acharya Mr. Bhanwarlal Patel

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HON'BLE MR. JUSTICE SANDEEP SHAH

Order

03/08/2026

1. The applicants have filed the present bail application under Section 483 of BNSS being aggrieved against the order dated 13.06.2026 passed by the learned Additional Sessions Judge No.5, Jodhpur Metropolitan in Criminal Miscellaneous Case No.1016/2026, whereby the bail application filed by the accused-applicants under Section 483 of B.N.S.S. was rejected. The accused-applicants are behind the bars, pursuant to the F.I.R. No.108/2021 registered at Police Station Luni, District Jodhpur City West, Rajasthan for the offences punishable under Sections 323, 341, 452, 307, 302 and 34 of IPC.

2. Learned counsel for the applicants submits that they do not wish to press the criminal miscellaneous bail application as far as the applicant No.1 Mohanram is concerned.

3. **Accordingly, the bail application filed on behalf of the applicant No.1 – Mohanram is dismissed as not pressed.**

4. As regards applicant No. 2 Jitendra is concerned, learned counsel submit that the only allegation against him is with regard to causing an injury to Tulsi. They submit that although the applicant No.2 has been shown to be present at the place of occurrence, the overt act attributed to him is confined to causing an injury to Tulsi, which has been found to be simple in nature as per the medical report placed on record at page 98 of the paper-book. They further submit that the applicant No.2 has been behind the bars for more than five years. They also submit that as regards the recovery of the axe, although it has been shown to have been recovered at the instance of the applicant, a perusal of the FIR itself reveals that it was specifically stated therein that all the weapons had been dropped by the accused persons, except one accused, namely Mohanram. They, therefore, submit that the alleged recovery is an afterthought and is contrary to the version contained in the FIR. They, therefore, implore this Court to allow the bail application qua applicant No. 2.

5. Per contra, learned counsel for the complainant as well as the learned Public Prosecutor oppose the bail application and place reliance upon the order dated 23.05.2025 passed by the Coordinate Bench of this Court in S.B. Criminal Miscellaneous 4th Bail Application No.5552/2025 (Harish vs. State of Rajasthan),

whereby the bail application of Harish was rejected, while observing that Harish had accompanied the other co-accused with full preparation. They, therefore, pray for rejection of the bail application.

6. Heard learned counsel for the applicants, learned Public Prosecutor as well as learned counsel for the complainant and perused the material available on record.

7. This Court finds substance in the fact that as far as the overt act attributed to applicant No.2 is concerned, the same is confined to causing an injury to Tulsi, which has been found to be simple in nature, which is clear from the perusal of the injury report The recovery of axe, which has been shown to be made at the instance of information given by the applicant, again *prima facie* casts a shodow of doubt for the reason that as per the FIR itself, the weapons were dropped at the place of occurrence by all the accused persons, except Mohanram. Therefore, the subsequent recovery of the weapon from the house of the applicant also appears to be questionable at this stage. As regards the role attributed to Harish, there are specific allegations of causing injuries to Sanwalram, which have been found to be grievous in nature, whereas, the only injury attributed to the present applicant has been found to be simple in nature, as per the medical report. Further, considering the fact that the applicant has been behind bars for the last five years, this Court prima facie finds it to be a fit case to enlarge applicant No. 2 on bail.

8. Thus, without expressing any opinion on merits/demerits of the case, this Court is inclined to enlarge the accused-applicant No.2 on bail.

9. Consequently, the bail application under Section 483 B.N.S.S. is **allowed**. It is ordered that the accused-applicant No.2 - **Jitendra S/o Somaram** arrested in connection with F.I.R. No.108/2021 registered at Police Station Luni, District Jodhpur City West, Rajasthan, shall be released on bail, if not wanted in any other case, provided he furnishes a personal bond of Rs.50,000/- and two sureties of Rs.25,000/- each, to the satisfaction of learned Trial Court, for his appearance before that Court on each & every date of hearing and whenever called upon to do so till completion of the trial.

9. It is further, made clear that findings recorded/observations made herein-above are for limited purposes of adjudication of bail application and the same shall not prejudice the trial of the case in any manner.

(SANDEEP SHAH),J

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