



**HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR**

S.B. Criminal Miscellaneous Bail Application No. 7894/2024

Bhanwar Khan @ Bhanwaru Khan S/o Sh Mohammad Khan,
Aged About 52 Years, R/o Village Noorsar, Tehsil And Distt
Bikaner Raj.

(In Judicial Custody At Central Jail, Bikaner)

----Petitioner

Versus

State Of Rajasthan, Through Pp

----Respondent

For Petitioner(s) : Mr. J.S. Choudhary, Sr. Advocate
assisted by Mr. Pradeep Choudhary &
Ms. Hemlata Choudhary
For Respondent(s) : Mr. A.R. Choudhary, PP
Mr. Vikas for complainant

HON'BLE MR. JUSTICE RAJENDRA PRAKASH SONI

Order

10/07/2024

1. Petitioner is lugged and locked in F.I.R No.50/2024 of Police Station Jamsar, District Bikaner, for the offence under Section(s) 341, 323 and 307 of the I.P.C. He has filed this application for restoration of liberty under section 439 of the Code of Criminal Procedure, 1973.
2. Heard arguments advanced by learned counsel for the applicant, learned public prosecutor and carefully perused the entire material available on record.
3. Learned Public Prosecutor for the State has strongly objected the different submissions made by learned counsel for the applicant. He thus, craves rejection of the applicant's bail application.



4. I have given my anxious consideration to the rival submissions with reference to material placed before me.

5. On perusal of the record and upon consideration of the submissions, it would be clear that in the present case, challan has already been filed. One injured Makbool has received two injuries. After X-ray, no bony injury was found by the Radiologist. Despite that, the Medical Jurist has opined injury No.1 as dangerous to life without mentioning any specific reason which prima-facie indicates that the report has been made very casually and without application of mind.

6. Having considered the material available on record; the arguments advanced by counsel for the applicant particularly the facts narrated above and the fact that injury No.1 is not bony and injury No.2 is simple in nature, applicant is in custody since 19.05.2024; that trial is likely to take its own considerable time and taking note of all these aspects, I do not intend to go into the merits of the matter but of the considered view that the applicant has available to him substantial grounds so as to question the prosecution case and no useful purpose would be served by keeping the applicant in detention for an indefinite period therefore, I am inclined to grant indulgence of bail to the petitioner at this stage.

7. Consequently, the present bail application is allowed and it is directed that the accused-petitioner **Bhanwar Khan @ Bhanwaru Khan S/o Sh Mohammad Khan**, arrested in connection with the F.I.R. No.50/2024 of Police Station Jamsar, District Bikaner shall be released on bail provided he furnishes a



personal bond and two surety bonds of sufficient amount to the satisfaction of the learned trial court with the stipulation to appear before that Court on all dates of hearing and as and when called upon to do so. This order is subject to the condition that accused, within 7 days of his release, and sureties on the day of furnishing bail, will also furnish details of their all bank accounts, with bank and branch name, in shape of an affidavit, and submit legible copy of their Aadhar cards as well as copy of front page of Bank pass book, for smooth recovery of penalty amount, if there arise a need for recovery of penalty under Section 446 Cr.P.C in future.

8. Copy of this order be sent to the Secretary, Medical and Health Department for appropriate action against the Medical Officer in respect of observation of this Court as mentioned in Para No.5 of this order.

(RAJENDRA PRAKASH SONI),J

66-Payal/-