

**HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR**



S.B. Criminal Miscellaneous Bail Application No. 16102/2024

Prakash S/o Fosuram, Aged About 34 Years, R/o Dhikwani,
Thana Kailwara, District Baran (Raj.)
(At Present In Custody At The District Jail Jhalawar).

----Accused-Applicant

Versus

The State of Rajasthan, Through PP

----Respondent

For Applicant(s) : Mr. Ishan Kumawat, Adv.

For Respondent(s) : Ms. Arti Sharma, Dy.GA

HON'BLE MR. JUSTICE ASHUTOSH KUMAR

Order

31/07/2025

1. The present bail application has been filed by the accused-applicant under Section 483 of the B.N.S.S, 2023 against the order dated 28.10.2024 passed by learned District and Sessions Judge, Baran (Rajasthan) in connection with FIR No. 58/2023, registered at Police Station Kailwara(Baran), District Baran for the offences punishable under Sections 341, 323 & 302 of IPC, 1860, by which the bail application of the accused-applicant under Section 483 of the B.N.S.S, 2023 has been dismissed.

2. Learned counsel for the accused-applicant submits that the accused-applicant has falsely been implicated in this matter. Learned counsel also submits that the allegation against the accused-applicant as per the FIR is that he committed murder of his wife by inflicting fatal injury on her head by an axe and her son-Neeraj was the sole eye-witness of the incident. Learned

counsel argues that the allegation against the accused-applicant is of causing injury by an axe, whereas, a stick has been recovered from an open place. Learned counsel also argues that the so-called eye-witness-Neeraj, who is the son of the deceased, has been examined as PW-6 before the trial Court and has turned hostile. Learned counsel contends that so far as the recovery of blood stained shirt is concerned, PW-6-Neeraj in his cross-examination has admitted that the accused-applicant lifted the deceased on his shoulder to take her to the hospital, due to which his shirt got stained with blood. Learned counsel further contends that there is no other eye-witness of the case and the sole eye-witness has turned hostile and also there is no other criminal antecedents of the accused-applicant. It is also submitted that the accused-applicant was arrested on 15.03.2023 and since then, he is behind the bars. Learned counsel prays that the trial will take long time to conclude, therefore, the accused-applicant be enlarged on bail.

3. On the other hand, learned Public Prosecutor opposes the bail application.

4. Heard learned counsel for the parties and also perused the material available on record.

5. Having regard to the facts and circumstances of the case and considering the facts that there is no criminal antecedents of the accused-applicant; that the accused-applicant is behind the bars since 15.03.2023; that the trial will take long time to conclude, but without expressing any opinion on the merits/demerits of the case, this Court deems it proper to allow the bail application filed by the accused-applicant.

6. Consequently, this bail application filed under Section 483 of the B.N.S.S, 2023 is allowed. It is ordered that accused-applicant **Prakash S/o Fosuram**, arrested in FIR No. 58/2023, registered at Police Station Kailwara(Baran), District Baran shall be released on bail; provided he furnishes personal bond in the sum of Rs.1,00,000/- and two solvent sureties of Rs.50,000/- each to the satisfaction of the learned trial Court.

7. The Accused-Applicant shall be required to appear before that Court on all dates of hearing and as and when called upon to do so.

(ASHUTOSH KUMAR),J

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