



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

S.B. Criminal Miscellaneous Bail Application No. 912/2021

1. Om Prakash @ Oma Ram S/o Chutra Ram, Aged About 25 Years, R/o Village Burtiya, Tehsil And District Barmer. (Presently Lodged At District Jail, Barmer)
2. Jiwan Ram S/o Panna Ram, Aged About 25 Years, R/o Lilawa, Tehsil Baytu, District- Barmer. (Presently Lodged At District Jail, Barmer)

----Petitioners

Versus

The State Of Rajasthan, Through PP.

----Respondent

For Petitioner(s) : Mr. Siddharth Karwasra
Ms. Prabha Choudhary
For Respondent(s) : Mr. Mukhtiyar Khan, PP

HON'BLE MR. JUSTICE DEVENDRA KACHHAWAHA

Order

27/01/2021

The present bail application has been filed under Section 439 Cr.P.C. on behalf of the petitioners, who are in judicial custody in connection with F.I.R. No. 146/2020, Police Station Baytu, District Barmer, registered for the offences under Sections 323/34, 382 and 365 of the Indian Penal Code.

Learned counsel for the petitioners stated that offences are triable by the Magistrate; no recovery or investigation is pending against the petitioners; and trial will take time. With these submissions, learned counsel for the petitioners prayed that the benefit of bail may be granted to the petitioners.



Per contra, learned Public Prosecutor opposed the bail application and stated that as per rejection order, two other cases are pending against the accused-petitioner-Om Prakash but the information regarding pendency of two other cases was wrongly given before the learned trial Court, as that information pertains to another Om Prakash.

Having regard to the facts and circumstances of the case, particularly to the facts that offences are triable by the First Class Magistrate; further trial will take sufficiently long time, therefore, without expressing any opinion on the merits/demerits of the case, this Court is of the opinion that the bail application filed by the petitioners deserve to be accepted.

Consequently, the bail application is allowed. It is ordered that the accused-petitioners (1) **Om Prakash @ Oma Ram S/o Chutra Ram** (2) **Jiwan Ram S/o Panna Ram**, arrested in connection with **F.I.R. No. 146/2020, Police Station Baytu, District Barmer**, shall be released on bail, if not wanted in any other case; provided each of them furnishes a personal bond of Rs.50,000/- and two surety bonds of Rs.25,000/- each 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.

(DEVENDRA KACHHAWAHA),J

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