
(2024) 02 RAJ CK 0080

In the Rajasthan High Court

Case No : Criminal Miscellaneous Bail Application No. 203, 204 Of 2024

Saddam Husain And Others

APPELLANT

Vs

State Of Rajasthan And Others

RESPONDENT

Date of Decision : 20-02-2024

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 439

Indian Penal Code, 1860 — Section 34, 323, 341, 393, 394

Citation : (2024) 02 RAJ CK 0080

Hon'ble Judges : Kuldeep Mathur, J

Bench : Single Bench

Advocate : Virendra Acharya, Ashok Kumar, Mahipal Bishnoi

Final Decision : Allowed

Judgement

Kuldeep Mathur, J

The present bail applications have been filed under Section 439 Cr.P.C. The petitioners have been arrested in connection with F.I.R. No.156/2023, registered at Police Station Kotwali Bikaner, District Bikaner, for the offences punishable under Sections 393, 394, 323, 341 & 34 IPC.

Heard learned counsel for the petitioners and learned Public Prosecutor. Perused the material available on record.

Learned counsel for the petitioners submitted that the petitioners have not been named in the F.I.R.. Drawing attention of the Court towards the injury report of the victim, learned counsel for the petitioners submitted that the injuries alleged to have been inflicted by the accused persons upon victim are neither on the vital body parts nor dangerous to life. Learned counsel submitted that the investigation against the petitioners has already been completed. The accused-petitioners are in judicial custody since 19.12.2023 and the trial of the case will take sufficiently long time, therefore, the benefit of bail should be granted to the accused-petitioners.

Learned Public Prosecutor has opposed the bail application and submitted that looking to the seriousness of the allegations levelled against the present petitioners, they do not deserve to be enlarged on bail.

Having regard to the facts and circumstances of the case, in totality, this Court prima facie finds that the petitioners have not been named in the F.I.R. This Court also prima facie finds that the injuries alleged to have been inflicted by the accused persons upon victim are neither on the vital body parts nor dangerous to life. Thus, without expressing any opinion on the merits of the case, this Court deems it just and proper to grant bail to the accused-petitioners under Section 439 Cr.P.C.

Accordingly, the bail applications filed under Section 439 Cr.P.C. are allowed and it is directed that petitioners Saddam

Husain @ Sonu S/o Khalil Kha Bhati, Aamir Khan S/o Manjur Ali, Rashid Hussain S/o Sajid and Punam Ravan S/o Sundarlal shall be released on bail in connection with F.I.R. No.156/2023, registered at Police Station Kotwali Bikaner, District Bikaner provided each of them executes a personal bond in a sum of Rs.50,000/- with two sound and solvent sureties of Rs.25,000/-each to the satisfaction of learned trial court for their appearance before that court on each and every date of hearing and whenever called upon to do so till the completion of the trial.

A copy of this order be placed in each file.