

**(2017) 03 RAJ CK 0021**  
**In the Rajasthan High Court**  
**Case No : 1994 of 2017**

Sunil Vishnoi S/o Sh. Rameshwarlal Vishnoi,  
Vs

APPELLANT

State of Rajasthan

RESPONDENT

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**Date of Decision :** 03-03-2017

**Acts Referred:**

[Code of Criminal Procedure, 1973](#), [Section 439](#), [Section 161](#) - Special powers of High Court or Court of Session regarding bail - Examination of witnesses by police  
[Indian Pen](#)

**Citation :** (2017) 03 RAJ CK 0021

**Hon'ble Judges :** Sandeep Mehta

**Bench :** SINGLE BENCH

**Advocate :** Vineet Jain, Rajesh Bhati

**Final Decision :** Allowed

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## Judgement

1. Heard learned counsel for the petitioner and learned Public Prosecutor. Perused the material available on record.
2. The present bail application has been filed under Section 439 Cr.P.C. on behalf of the petitioner, who is in custody in connection with F.I.R. No.408/2016, Police Station Naya Sahar, Bikaner for the offences under Sections 302, 323, 341, 34, 143, 327 and 307 IPC.
3. Shri Vineet Jain, learned counsel for the petitioner contends that the petitioner is not named in the FIR. As per the highest case set out in the FIR, head injuries were inflicted to the deceased Rajesh by Ajay Saharan and Bunty Choudhary. Later on

in the statements of the witnesses recorded under Section 161 Cr.P.C., the petitioner was also implicated. However, even in these statements, the specific allegation of causing head injury is attributed to Ajay Saharan. Drawing attention of this Court to the post mortem report of the deceased, Shri Jain urged that only one injury was caused to the deceased on head which proved fatal. Thus, he urges that the petitioner has been falsely implicated in the case and deserves to be released on bail.

4. Learned P.P. vehemently opposes the submissions advanced by the petitioner's counsel. However, he too does not dispute the fact that neither the petitioner was named in the FIR nor is the head injury caused to the deceased attributed to him in the improved version of the prosecution witnesses in these statements recorded under Section 161 Cr.P.C.

5. Having regard to the entirety of the facts and circumstances as available on record and upon a consideration of the arguments advanced at the Bar but without expressing any opinion on the merits of the case, this Court is of the opinion that the bail application filed by the petitioner deserves to be accepted.

6. Consequently, the bail application is allowed. It is ordered that the accused-petitioner, Sunil Vishnoi arrested in connection with F.I.R. No.408/2016, Police Station Naya Sahar, Bikaner shall be released on bail; provided he 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.