HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Criminal Miscellaneous Bail Application No. 12343/2025

1. Mustufa Khan @ Mustafa S/o Isak, Aged About 20 Years, R/o Savalgarh, Police Station Jurhara, District Deeg, Raj. (At Present Accused Petitioner Confined In Sub Jail Deeg).
2. Mausin S/o Usman, Aged About 29 Years, R/o Savalgarh, Police Station Jurhara, District Deeg, Raj. (At Present Accused Petitioner Confined In Sub Jail Deeg).
3. Fakhruddin @ Fakru S/o Usman, Aged About 45 Years, R/o Savalgarh, Police Station Jurhara, District Deeg, Raj. (At Present Accused Petitioner Confined In Sub Jail Deeg).
4. Jamshed @ Jamsi S/o Deenu, Aged About 55 Years, R/o Savalgarh, Police Station Jurhara, District Deeg, Raj. (At Present Accused Petitioner Confined In Sub Jail Deeg).

----Petitioners

Versus

State Of Rajasthan, Through Pp

----Respondent

For Petitioner(s)	:	Mr. Sunil Singodiya
For Respondent(s)	:	Mr. Amit Kumar Punia, PP Mr. Siddharth Jain Mr. Dikshant Jain

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HON'BLE MR. JUSTICE MAHENDAR KUMAR GOYAL

Order

19/12/2025

Since, the bail application on behalf of accused petitioners No. 3 and 4-Fakhruddin @ Fakru and Jamshed @ Jamsi has already been allowed by a Coordinate Bench of this Court vide order dated 07.10.2025, the present bail application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for brevity, “the BNSS”) survives on behalf of accused-petitioners No. 1 and 2-Mustufa Khan @ Mustafa and Mausin (for brevity, “the

petitioners") respectively. The petitioners have been arrested in connection with FIR No.0188 dated 16.06.2025 registered at Police Station Jurhera District Deeg for the offence under Sections 189(2), 115(2), 126(2), 74 and 352 of the Bharatiya Nyaya Sanhita, 2023 (for brevity "the BNS") and later on for the offence under Sections 189(2), 115(2), 126(2), 352, 117(2) and 110 of the BNS.

Learned counsel for the petitioners has produced a copy of the charge sheet, which is taken on record.

Learned counsel for the petitioners submits that they have falsely been implicated in this case. Inviting attention of this Court towards the opinion expressed by the Medical Officer on the letter dated 18.08.2025 written by the SHO Police Station Ramgarh Pachwara District Dausa, he submits that none of the injuries on the person of injured Shokeen and Mustaq has been found to be dangerous to life and the grievous injuries having been inflicted with blunt weapon, the offence does not travel beyond the scope of Section 117(2) of the Bhartiya Nyaya Sanita, 2023. He submits that the petitioners are in custody since 04.09.2025, charge-sheet has been filed, trial of the case will take long time and they have no criminal antecedents. He, therefore, prays for release of the petitioners on bail.

Per contra learned Public Prosecutor, assisted by learned counsel for the complainant, opposes the prayer.

Heard. Considered.

Taking into consideration the contentions advanced by learned counsel for the respective parties, material available in the charge sheet, especially the opinion of the Medical Officer on the

letter dated 18.08.2025 written by the SHO Police Station Ramgarh Pachwara District Dausa, their length of custody, filing of the charge sheet, possibility of trial taking time and absence of criminal antecedents; but, without expressing any opinion on the merits of the case, this Court deems it just and proper to enlarge the petitioners on bail.

Accordingly, the bail application on behalf of the **Mustufa Khan @ Mustafa & Mausin S/o Usman** is allowed and it is directed that accused-petitioners-**(1) Mustufa Khan @ Mustafa S/o Isak** & **(2) Mausin S/o Usman** shall be released on bail under Section 483 BNSS in connection with afore-mentioned FIR registered at concerned Police Station, provided they furnish a personal bond in the sum of ₹1,00,000/- (Rupees One Lac only) together with two sureties in the sum of ₹50,000/- (Rupees Fifty Thousand only) each to the satisfaction of the trial court with the stipulation that they shall comply with all the conditions laid down under Section 480(3) BNSS.

The Office is directed to remit a copy of this order to the jurisdictional Court through E-mail forthwith.

(MAHENDAR KUMAR GOYAL),J

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