


HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Criminal Appeal (Sb) No. 1595/2025

Nishant Yadav Urf Bhola Son Of Krishan Kumar Yadav, Aged About 23 Years, Resident Of Village Nihaloth Police Station Buhana District Jhunjhunu At Present R/o Abhay Colony Police Station Kotwali Neem Ka Thana, District Neem Ak Thana (At Present N Central Jail Jaipur)

----Appellant

Versus

1. State Of Rajasthan, Through PP
2. Devraj Bairwa Son Of Shri Jainarayan Bairwa, Resident Of Abundi Police Station Soorwal District Sawai Madhopur At Present R/o Infront Of Shamshan Rampura Road, Police Station Muhana District Jaipur (Raj)

----Respondents

For Appellant(s)	:	Mr. Gajanand Yadav
For Respondent(s)	:	Mr. N.S. Dhakar, PP with Mr. Gaurav Gupta, Asstt. G.A.

HON'BLE MR. JUSTICE ANIL KUMAR UPMAN

ORDER

DATE OF PRONOUNCEMENT:- **26/09/2025**

1. The instant appeal has been filed under Section 14A(2) of SC/ST (Prevention of Atrocities) Act being aggrieved of the order dated 12.12.2024 passed by learned Special Judge, SC/ST (Prevention of Atrocities) Cases, Jaipur, Metropolitan First (Raj.) in Bail Application No.295/2024 (CIS No.2634/2024) rejecting the bail application preferred on behalf of the appellant, who is in custody in connection with FIR No.724/2024 registered at Police Station Muhana, District Jaipur City (South) (Rajasthan) for the offence punishable under Section 140(2) of the Bharatiya Nyaya

Sanhita, (in short 'BNS') 2023 and Sections 3(1)(r), 3(1)(s) & 3(2) (va) of SC/ST (Prevention of Atrocities) Act, 1989 (Amendment 2015). After completion of investigation police filed charge-sheet in this matter for the offences punishable under Sections 140(2), 103(2), 115(2), 126(2), 127(2), 61(2)(a), 238(a), 190, 191(2), 191(3) & 103(1) of BNS and Section 3(2)(v) of SC/ST (Prevention of Atrocities) Act, 1989 (Amendment 2015).

2. Learned counsel appearing for appellant submits that appellant has falsely been implicated in this matter. He submits that no specific allegation or overt act has been assigned to the appellant. He further argues that as per the statement of PW.2 Manish Kumar Bairwa, nothing serious or incriminating has come against the appellant. This witness did not mention the appellant in his examination-in-chief. The appellant has not committed any offence. He is in custody since 20.07.2024. Further custody of the appellant would not serve any fruitful purpose. Trial will take long time in its conclusion as only 3 witnesses have been examined out of 20 prosecution witnesses.

3. Learned State counsel assisted by counsel for complainant vehemently opposes these appeals. He submits that there are allegations against the accused appellant of commission of serious offences of abduction, extortion, and homicide, arising from a sequence of events that took place on and after 8th July, 2024. The case discloses a heinous episode wherein the accused persons, acting in concert, abducted Nemichand and Manish Kumar for ransom and brutally gave beatings to them due to which, Nemichand died. He argues that there are ample evidence

available on record showing involvement of the appellant in commission of crime. PW.2 Manish Kumar Bairwa, who himself was the victim, in his court testimony has also supported the prosecution case and nowhere stated that the appellant was not involved in commission of crime. He narrated the entire incident in his testimony. He argues that looking to the seriousness of allegations and gravity of offences, the appellant does not deserves indulgence of bail.

4. I have heard both the parties and perused the material available on record.

5. As per the prosecution case on 08.07.2024, the appellant and co-accused persons, in furtherance of their common design, abducted Nemichand and Manish Bairwa with deliberate object of extorting money. After abduction of these two persons, the accused gave brutally beatings to them due to which, Nemichand died. The police recovered the dead body of Nemichand in a car, whilst Manish Bairwa was found in brutally beaten condition. PW.2 Manish Bairwa has supported the prosecution case and narrated the entire sequence of events. The mobiles belonging to the accused persons were seized. The photographs and video recordings recovered from the mobile of the co-accused Shambhu Dayal show that accused persons were assaulting both deceased and the injured. The trial is at initial stage and there are serious allegations against the appellant and other accused persons of abduction, extortion and murder. Thus, in the totality of facts and circumstances of the present case and considering the arguments advanced by both the sides and seriousness of allegations and

gravity of offence, but without making any comments on the merits/demerits of the case, I am not inclined to enlarge the appellant on bail. Hence, this appeal stands dismissed.

6. The observation made herein is only for the disposal of the instant appeal and would not prejudice trial in any manner.

(ANIL KUMAR UPMAN),J

LALIT MOHAN /30