

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR



S.B. Criminal Appeal (Sb) No. 2279/2025

Manish Choudhary Son Of Moolchand, Aged About 19 Years, Resident Of Village Dayal Ka Nangal, Police Station Dabla, District Neem Ka Thana (Rajasthan) (Accused Appellant Presently Confined In Central Jail, Jaipur).

----Appellant

Versus

1. State Of Rajasthan, Through PP
2. Devraj Bairwa Son Of Shri Jainarayan Bairwa, Aged About 25 Years, Resident Of Village Abdundi, Police Station Soorwal, District Sawai Madhopur. Presently Residing At Opp. Shamshan, Rampura Road, Police Station Muhana, District Jaipur.

----Respondents

Connected With

S.B. Criminal Appeal (Sb) No. 2280/2025

Ankit Jat Son Of Ramsingh, Aged About 20 Years, Resident Of Village Dayal Ka Nangal, Police Station Dabla, District Neem Ka Thana (Rajasthan). (Accused Appellant Presently Confined In Central Jail, Jaipur)

----Appellant

Versus

1. State Of Rajasthan, Through PP
2. Devraj Bairwa Son Of Shri Jainarayan Bairwa, Aged About 25 Years, Resident Of Village Abdundi, Police Station Soorwal, District Sawai Madhopur. Presently Residing At Opp. Shamshan, Rampura Road, Police Station Muhana, District Jaipur.

----Respondents

For Appellant(s) : Mr. Shashi Shekhar Gaur

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. These appeals have been filed under Section 14A(2) of SC/ST (Prevention of Atrocities) Act being aggrieved of the order

dated 06.08.2025 passed by learned Special Judge, SC/ST (Prevention of Atrocities) Cases, Jaipur, Metropolitan First (Raj.) in Bail Application No.157/2025 (CIS No.1539/2025) rejecting the bail application preferred on behalf of the appellants, who are 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, charge-sheet for 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) has been filed in the court concerned.

2. Learned counsel appearing for appellants submits that appellants have falsely been implicated in this matter. He submits that omnibus allegations have been leveled against them. The appellants have not committed any offence, as alleged against them. Both are in custody since 20.07.2024. They are no more required for any other purpose. Further custody of the appellants would not serve any fruitful purpose. Trial will take long considerable 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 appellants 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, acting in concert, abducted Nemichand and Manish Kumar for ransom and brutally gave beatings to them due to which, Nemichand died. It is also contended that PW.2 Manish Kumar Bairwa, who himself was the victim, in his court testimony clearly deposed against the appellants and supported the prosecution case. He narrated the entire incident in his testimony. Besides these submissions, learned Public Prosecutor submits that the appellant Ankit Jat has criminal antecedents as four criminal cases have already been registered against him. He argues that looking to the seriousness of allegations and gravity of offences, the appellants do not deserve 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 appellants 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. As per the testimony of the PW.2 Manish Bairwa, the appellants have played active role in commission of the crime. He has clearly 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 initial stage and there are serious allegations against the appellants and other accused persons. Thus, in the totality of facts and circumstances of the present case and considering the arguments advanced by both the sides and the court testimony of victim PW.2 Manish Kumar Bairwa wherein he clear assigned roles of both the appellants in commission of the serious crime but without commenting anything on the merits/demerits of the case, I am not inclined to enlarge the appellants on bail. Hence, both these appeals are dismissed.

6. The observation made herein is only for decision of the appeals and would not prejudice trial in any manner.

(ANIL KUMAR UPMAN),J

LALIT MOHAN /29 & 31