

RAJASTHAN HIGH COURT

सत्यमेव जयते

HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR

S.B. Criminal Appeal (Sb) No. 411/2026

Ajay Kumar S/o Puran Ram, Aged About 23 Years, Resident
Badopal Road, Near Gori Dharam Kanta Suratgarh, Tehsil
Suratgarh, District Hanumangarh Raj. (Presently Lodged In Dist.
Jail Hanumangarh)

----Appellant

Versus

1. State Of Rajasthan, Through PP
2. Shivam S/o Amitpal, R/O Ward No. 5 Pilibanga Village,
Tehsil Pilibanga, District Hanumangarh Raj.

----Respondents

For Appellant(s) : Mr. Bhoop Singh Choudhary

For Respondent(s) : Mr. N.S. Chandawat, PP

HON'BLE MR. JUSTICE SUNIL BENIWAL

Order

26/02/2026

1. The jurisdiction of this Court has been invoked by way of
filing an appeal under Section 14-A(2) of SC/ST (Prevention
of Atrocities) Act, 1989, at the instance of accused-appellant.
The requisite details of the matter are tabulated herein
below:

S.No.	Particulars of the Case	
1.	FIR Number	530/2025
2.	Concerned Police Station	Pilibanga
3.	District	Hanumangarh
4.	Offences alleged in the FIR	Sections 115(2), 126(2) and 189(2) of the BNS, 2023
5.	Offences added, if any	Sections 109(1), 191(2), 191(3), 304 and 190 of the BNS, 2023 and Sections 3(2)(va) and 3(2)(v) of the SC/ST Act
6.	Date of the impugned order	29.01.2026

2. It is contended on behalf of the accused-appellant that no case for the alleged offences is made out against him and his incarceration is not warranted. There are no factors at play in the case at hand that may work against grant of bail to the accused-appellant and he has been made an accused based on conjectures and surmises.
3. It is argued that the co-accused persons namely Anil Kumar S/o Kalaram and Sonu S/o Nirbhay Singh has been granted bail by this Court vide order dated 11.02.2026 passed in S.B. Criminal Appeal (SB) No.72/2026. The role assigned to the present petitioner in the present crime is not distinguishable from the role assigned to the co-accused persons namely Anil Kumar and Sonu. The main allegation is against the co-accused Fauji, who has inflicted the injury.
 - 3.1 Based on these submissions, it is argued that the petitioner, who is presently in judicial custody since 28.10.2025, is entitled to be enlarged on bail as the trial will take sufficiently long time to conclude.
4. Contrary to the submissions of learned counsel for the appellant, learned Public Prosecutor opposes the appeal and submits that the present case is not fit for enlargement of accused on bail.
5. Heard learned counsel for the appellant and learned Public Prosecutor and perused the material available on record.

6. Considering the submissions made by learned counsel for both the parties and the facts and circumstances of the case and the challan papers and the fact that the co-accused persons namely Anil Kumar and Sonu has been granted bail by this Court vide order dated 11.02.2026 passed in S.B. Criminal Appeal (SB) No.72/2026. The role assigned to the present petitioner in the present crime is not distinguishable from the role assigned to the co-accused persons namely Anil Kumar and Sonu, this Court is of the considered view that no fruitful purpose would be served by keeping the petitioner behind bars for an indefinite period. Thus, without expressing any opinion on merits/demerits of the case, this Court is of the opinion that the appeal filed by the appellant deserves to be allowed.
7. Consequently, the instant appeal is allowed. The impugned order dated 29.01.2026 passed by the learned Special Judge, SC/ST (Prevention of Atrocities) Cases, Hanumangarh is set aside. It is ordered that the accused-appellant- **Ajay Kumar S/o Puran Ram** arrested in connection with aforesaid FIR, shall be released on bail, provided he furnishes a personal bond of Rs.50,000/- and two sureties 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.

(SUNIL BENIWAL),J