

RAJASTHAN HIGH COURT

सत्यमेव जयते

**HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JODHPUR**

S.B. Criminal Appeal (Sb) No. 1207/2026
CNR: RJHC010660182026 | URN: CRLAS / 2788U / 2026

Shiv Ram Kaswa Alis Shivlal Kaswa S/o Shriram Kaswa, Aged About 33 Years, R/o Village Gajrupdesar, At Present House No. C-5, Behind Sophia School, Vijay Vihar, P.s Jnv Colony, Bikaner (Lodged In Central Jail Bikaner)

----Appellant

Versus

1. State Of Rajasthan, Through Pp
2. Vikas S/o Santlal, R/o At Present Tenant, Surajpura, Jainarayan Vyas Colony, Bikaner.

----Respondents

For Appellant(s) : Mr. H.S. Shrimali

For Respondent(s) : Mr. Urja Ram Kalbi, PP

HON'BLE MR. JUSTICE SUNIL BENIWAL

Order

04/08/2026

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	235/2025 dated 03.07.2025
2.	Concerned Police Station	Jainarayan Vyas Colony
3.	District	Bikaner
4.	Offences alleged in the FIR	Sections 115(2), 126(2), 109(1), 119(1), 307, 189(2), 324(4) and 333 of BNS.

5.	Offences added, if any	Sections 351(2) and 61(2) (a) of BNS.
6.	Date of passing of impugned order	06.07.2026

2. At the outset, learned Public Prosecutor submits that notice upon the respondent No.2 has been served but nobody appeared on his behalf.
3. Learned counsel for the appellant submits that no case for the alleged offences is made out against the appellant 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.
- 3.1 He further submits that co-accused- Vijay Pal, Sunil, Shiv Shankar, Devanand, Shrawan, Surendra Singh and Santosh have been granted bail by this Court. The role assigned to the co-accused persons is not distinguishable from the role assigned to the present appellant. The injuries sustained by the injured are simple in nature. There is no criminal antecedent against the appellant.
- 3.2 Based on these submissions, he submits that the appellant, who is in judicial custody since 03.07.2026, 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. However, he is not in a position to refute the

fact that co-accused persons have been granted bail this Court and the roles assigned to the co-accused persons are not distinguishable from the role assigned to the present appellant.

5. Heard learned counsel for the parties and perused the material available on record.
6. Considering the submissions made by learned counsel for both the parties; the facts and circumstances of the case; the case diary and the fact that co-accused- Vijay Pal, Sunil, Shiv Shankar, Devanand, Shrawan, Surendra Singh and Santosh have been granted bail by this Court; the roles assigned to the co-accused persons are not distinguishable from the role assigned to the present appellant; the injuries sustained by the injured are simple in nature; there is no criminal antecedent against the appellant; and that the prosecution has not expressed any apprehension qua the appellant fleeing away from justice, in case he is enlarged on bail, this Court is of the considered view that no fruitful purpose would be served by keeping the appellant 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 06.07.2026 passed by the learned Special Judge, SC/ST (Prevention of Atrocities) Cases, Bikaner, is set aside. It is ordered that the accused-appellant- **Shiv Ram**

Kaswa Alis Shivlal Kaswa S/o Shriram Kaswa, 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.

8. It is however, made clear that findings recorded/observations made above are for limited purposes of adjudication of bail application. The trial court shall not get prejudiced by the same.

(SUNIL BENIWAL),J