

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Criminal Miscellaneous Bail Application No. 1257/2026

Shivraj Singh S/o Bharat Singh, R/o B-58, Subhash Colony,
Khedli Phatak, Police Station Bhimganjmandi, District Kota
(Rajasthan) (Presently In Judicial Custody In Central Jail,
Bharatpur).

----Petitioner

Versus

State Of Rajasthan, Through PP

----Respondent

For Petitioner(s)	:	Mr. Ashvin Garg with Ms. Vaishnavi
For Respondent(s)	:	Mr. Ganga Sahay Sharma, Dy.S.P., Kota City, (I.O.) Mr. Vijay Singh Yadav, PP

HON'BLE MR. JUSTICE ASHOK KUMAR JAIN

Order

08/05/2026

1. The present bail application under Section 483 of BNSS is filed by the applicant-accused **Shivraj Singh S/o Bharat Singh** seeking bail in respect of a criminal case registered as FIR No.35/2025 dated 05.05.2025 registered at P.S. Kathunipol, District - Kota, for the offence under Sections 189(4), 332(c), 308(2), 308(5), 111(2)(b) and 111(4) of BNS, 2023.
2. Learned counsel for the applicant submits that the applicant has been falsely implicated in the matter and the investigation against him is complete and he is no more required in investigation. He further submits that there are no chance of fleeing of applicant accused from the jurisdiction of this Hon'ble Court. The applicant does not

have any criminal antecedents. He also submits that the applicant undertakes not to repeat offence and cooperate with trial, which will take time.

3. Learned counsel for applicant submits that initially the applicant was charged for committing offence under Section 111(4) and 111(2)(b) of BNS, but learned Additional Sessions Judge while considering the charge has discharged present applicant from offence under Section 111(2)(b) and 111(4) of BNS. He also submitted that now, there is no charge about operating as organized gang or organized crime syndicate. He further submitted that present applicant is in custody for last more than one year and till date, only few witnesses were examined by the Trial Court. He also submitted that the main witness PW-1 in cross-examination has admitted that he is not having any communication or contact with present applicant. He also submitted that present applicant has neither used any phone or any other means to intimidate complainant or any other person. He also referred the material available on record and submitted that only on ground that the applicant is having criminal antecedents his bail application was dismissed, whereas almost all accused were granted bail either by this Hon'ble Court or by the Trial Court. He further submitted that the main accused was granted by by learned Sessions Judge and there is no actual damage in the instant case.
4. Learned counsel for applicant has further referred order dated 16.08.2021 in Bail Application No.14461/2020 passed by a Coordinate Bench at Principal Seat, Jodhpur and

submitted that present applicant was released on bail despite that the applicant is having a criminal background. He also referred order dated 15.09.2022 in Bail Application No.3354/2022 and order dated 14.12.2022 in Bail Application No.16088/2022 and submitted that a Coordinate Bench of this Hon'ble Court has also granted bail to the applicant despite criminal background of the applicant.

5. Learned Public Prosecutor has vehemently opposed the bail application and submitted that the allegations are grave and serious in nature. He submitted report received from Kota Police and further submitted that there are 19 criminal cases against the applicant. He also submitted that no one is ready to give evidence against the applicant, as the applicant is a name of terror in the Kota region. He also submitted that present applicant is kingpin in the instant case. Mr. Ganga Sahay Sharma, Dy. S.P. from Kota police is also present before the Court.
6. Heard learned counsel for the applicant-accused and learned Public Prosecutor. Perused the material placed on record by both the parties.
7. On 27.02.2026, this Court has allowed bail application of Jagveer Singh Ranjeet Singh and observed as under:-
 3. The first bail application of the present applicants was dismissed by this Hon'ble Court on 11.08.2025 along with co-accused Arjun Singh, but Arjun Singh was released on bail by this Hon'ble Court vide order dated 12.01.2026 and the case of the present applicant is on better footing than Arjun Singh and co-accused Bhupendra Singh @ Chhotu Banna was released on bail by this Court vide order dated

29.01.2026. He further submitted that the main accused was also released on bail by the learned Sessions Judge, whereas two more accused were released by the learned trial court.

6. While considering first bail application on 11.08.2025, we have observed as under:-

"On the basis of report dated 05.05.2025 lodged by Vinay Goswami Ji Maharaj about unauthorized entry of 8-10 armed persons with Mahendra Puri on 04.05.2025 and intimidation about management and possession of land of temple, FIR No.35/2025 is registered at P.S. Kaithunipole, Kota City. During investigation, police has identified role and involvement of petitioners and other individuals and arrested them. During investigation, police has recovered fire arms from present petitioners Jagveer Singh and Ranjeet Singh. As per police, these petitioner are members of gang of Shivraj Singh, who is kingpin of organized crime, in Kota region. The police has filed detailed list of 39 members, affiliated to his gang. As per criminal antecedents submitted by police, two criminal cases were registered against Arjun Singh Ranawat. After investigation, police has filed charge-sheet against 10 persons. As per order of trial court, there is no criminal antecedents against Jagveer Singh and Ranjeet Singh but both are not residents of Kota and they were found at Kota on date of incident. There is one criminal antecedents against Bhupendra Singh. Learned Sessions Court has released Mahendra Puri on bail under Section 483 BNSS, who is named in the report and having criminal antecedents.

7. Having taken note of the fact that this Court has allowed the bail application of Arjun Singh on 12.01.2026 and bail application of Bhupendra Singh @ Chhotu Banna on 29.01.2026. The material on record shows that vide order dated 05.12.2025, present accused was discharged from the charge under Section 111 (2) (b) and Section 111(4) of BNS. Almost all the accused are now on bail, therefore, it is appropriate to consider the bail application of the present applicant.

8. This Court has also considered bail application of Bhupendra Singh on 29.01.2026. Further while considering bail application of Arjun Singh Ranawat on 12.01.2026, we have observed in para No.11 as under:-
11. Before parting with the order, it is a serious concern that at the stage of charge, the Trial Court has observed that the police has not filed supporting documents to frame the charge under Section 111(2)(b) and Section 111(4) of BNS. Therefore, a copy of this order along with the order of discharge dated 05.12.2025 be sent to the D.G.P. for appropriate action.
9. Learned Public Prosecutor has informed that though police has submitted detailed list of criminal cases registered and pending against each of the accused at the time of filing of charge-sheet, but learned Trial Court overlooking them has passed the discharge order on 05.12.2025 and the State Government has filed a revision petition against the order dated 05.12.2025 discharging the accused from charge under Section 111(2)(b) and Section 111(4) of BNS, 2023. The list submitted by the State indicate that 19 criminal cases are registered against the applicant. Out of these cases, the applicant is acquitted in 9 cases. The material further indicate that the applicant is convicted in 3 cases. The detail indicate that 5 cases are pending before the Trial Court, whereas in 2 cases, the police investigation is pending.
10. The police in its report has submitted that present applicant is a gang leader and he is regularly involved in committing

crime. The police has termed him as hardcore criminal, who is a history sheeter. Hon'ble Supreme Court has considered criminal antecedents as one of the ground for non-granting bail in case of **Neeru Yadav Vs. State of U.P. and Anr. reported as AIR 2015 SC 3703**. This issue was further considered in case of **State of Karnataka Vs. Sri Darshan Etc. reported as 2025 INSC 979**. The criminal background of an individual not only affect the well-being of prosecution witnesses, but it psychologically affect the mind of an individual.

11. Hon'ble Supreme Court has referred judgment in case of **Prahlad Singh Bhati Vs. NCT, Delhi and Anr. reported as (2001) 4 SCC 280**, wherein Hon'ble Supreme Court has laid down guiding principle as under:

“(a) While granting bail the court has to keep in mind not only the nature of the accusations, but the severity of the punishment, if the accusation entails conviction and the nature of evidence in support of the accusations.

(b) Reasonable apprehensions of the witnesses being tampered with or the apprehension of there being a threat for the complainant should also weigh with the court in the matter of grant of bail.

(c) While it is not expected to have the entire evidence establishing the guilt of the accused beyond reasonable doubt but there ought always to be a prima facie satisfaction of the court in support of the charge.

(d) Frivolity in prosecution should always be considered and it is only the element of genuineness that shall have to be considered in

the matter of grant of bail, and in the event of there being some doubt as to the genuineness of the prosecution, in the normal course of events, the accused is entitled to an order of bail.”

12. Having considered the material placed on record and also the gravity of charge, I am of considered view that the applicant is having a distinct case than other accused, therefore, the applicant is not entitled to seek application of doctrine to parity as present applicant is main accused, who not only terrorized, and threatened to dispossessed complainant in particular the devotees of temple from temple land, but reiterated to encroachment upon the land of temple.
13. The facts and the material indicate that the alleged offence are of serious nature and role attributed to applicant is prima facie sufficient to consider complicity of applicant in the crime. Therefore, at this juncture, considering the evidence collected so far, this is not a fit case to enlarge the applicant accused on bail.
14. Considering the gravity of allegations and overall facts and circumstances of the case, it is appropriate to dismiss the bail application of the applicant accused at this stage.
15. Accordingly, the application for bail filed under Section 483 of BNSS preferred by **Shivraj Singh S/o Bharat Singh** is hereby dismissed.

(ASHOK KUMAR JAIN),J