

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Criminal Appeal (Sb) No. 523/2026

Resham Son Of Rahman, Aged About 60 Years, Resident Of Village Choki, Ps Ramgarh District Alwar (Rajasthan). (Presetnly The Accused Is In Judicial Custody In District Jail Alwar)

----Appellant

Versus

1. State Of Rajasthan, Through Public Prosecutor.
2. Mukesh Kumar S/o Ratanlal, R/o Goha Ramgarh, District Alwar (Raj.)

----Respondents

For Appellant(s) : Mr. Manish Gupta

For Respondent(s) : Mr. Vijay Singh Yadav, PP

HON'BLE MR. JUSTICE ASHOK KUMAR JAIN

Order

27/03/2026

1. The instant appeal is filed under Section 14A (2) of SC/ST (POA) Act in a matter arising out of FIR No. 61/2025 registered at P.S. Ramgarh (Alwar), District Alwar for offence under Sections 189(2), 115(2), 126(2), 329(3), 109(1) & 74 of BNS and Sections 3(1)(r), 3(1)(s), 3(1)(v) & 3(2)(v) of SC/ST (Prevention of Atrocities) Act, 1989.

2. Learned counsel for the appellant while relying upon grounds of appeal submits that the appellant is innocent and he has been falsely implicated. Learned Counsel on behalf of the appellant submits that this Court has dismissed the appeal on 21.08.2025 and thereafter, statement of PW1 Mukesh Kumar, who is son of injured, was recorded. He referred cross-examination of PW1 and also PW2 Ranjit Kumar, and pointed out their contradictions. He

also submits that pursuant to letter dated 03.03.2025, no specific opinion has been procured by police. He further submits that the age of present appellant Resham is more than 60 years and other co-accused were enlarged on bail. He also submits that the specific injury whereby the injured has suffered vision loss is not caused by appellant and person responsible Rujdar is already released on bail. He also referred the police story and period of custody in the instant case.

3. Aforesaid contentions were opposed by learned Public Prosecutor and he submitted that the complainant has already been informed.

4. Heard Learned Counsel for the appellant and Learned Public Prosecutor. Perused the material placed on record.

5. On basis of report lodged by PW1 Mukesh Kumar on 23.02.2025 about deadly assault by Rujdar, Resam Kha, Mustak, Sahun, Gafuri, Huseni, Battan, Jubeda, Tofik, Sabir, Farukh, Cap, Ajru, Almas, Nurjha, Apsina and others resulting in grievous injuries upon his father and others, FIR No. 61/2025 was registered at police station Ramgarh, District Alwar. After investigation, police has filed a charge sheet against six persons and kept pending under section 193(9) of the BNSS against other persons. Thereafter, police has arrested the present appellant and filed a supplementary charge sheet against him. The age of present appellant is 61 years and he is in custody since his arrest. Two witnesses were examined including PW1 complainant.

6. This court has already granted bail to Sahun, Farukh, Rujdar, Mustak, Arif Khan, Mohmmad Kaif on 19.11.2025 and 23.04.2025 respectively. As per PW1, Rujdar and Resham caused blow upon

eye whereas PW2 has named Farukh and Resham for same assault. Rujdar and Farukh are already released on bail. Considering the entirety and facts and circumstances of this case, It is appropriate to consider the bail to the present appellant.

7. Therefore, without expressing any opinion on merits, I am of considered view that it is a fit case wherein appellant can be enlarged on bail. The appeal under Section 14-A SC/ST (PoA) Act is allowed and impugned order dated 24.02.2026 is hereby quashed qua present-appellant and the appellant accused **Resham son of Rahman** is released on bail till disposal of criminal case arising out of above mentioned FIR with the condition that he would execute a personal bond in the sum of ₹50,000/- with two sureties of ₹25,000/- each to the satisfaction of the learned trial Judge for his appearance in trial court on date fixed by trial court and whenever ordered to do so till the disposal of the appeal on the conditions indicated below:-

- (i). After release of appellant accused on bail, he will not indulge in any criminal activity and if it is found that he is involved in any criminal activity, the order shall be recalled.
- (ii). That he will appear before the trial Court on each and every date of hearing till the disposal of criminal case.
- (iii). That if the appellant changes the place of residence, he will give in writing his changed address to the trial Court.

(iv). Similarly, if the sureties change their address(s), they will give in writing their changed address to the trial Court.

(v). The appellant shall not influence prosecution witnesses in any manner.

8. Misc. Applications, if any, stands disposed of.

9. A copy of this order be sent through E-mail to the trial Court.

(ASHOK KUMAR JAIN),J