

RAJASTHAN HIGH COURT

सत्यमेव जयते

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Criminal Appeal (Sb) No. 952/2026
CNR: RJHC020398712026 | URN: CRLAS / 1774U / 2026

Nishant Yadav Urf Bhola Son Of Krishan Kuamr Yadav, Aged About 23 Years, Residnet Of Village Nihaloth, At Present R/o Ab-shy Colony, Police Station Kotwali Neem Ka Thana, District Neem Ka Thana. (At Present Confined In Central Jail Jaipur)

----Appellant

Versus

1. State Of Rajasthan, Through P.p.
2. Devraj Bairwa Son Of Shri Jainarayan Bairwa, Resident Of Abundi, Police Station Soorwal, District Sawai Madhopur, At Present R/o Infront Of Shamshan Rampura Road, Po-lice Station Muhana, District Jaipur (Rajasthan)

----Respondents

For Appellant(s)	:	Mr. Subhash Sharma
For Respondent(s)	:	Mr. N.S. Dhakar, PP with Mr. Tapesht Agarwal, PP

HON'BLE MR. JUSTICE ANIL KUMAR UPMAN

Order

14/08/2026

1. The instant appeal has been filed under Section 14A(2) SC/ST (Prevention of Atrocities) Act being aggrieved of the order dated 18.04.2026 passed by the learned Special Judge, SC/ST (Prevention of Atrocities) Cases, Jaipur Metro-I in Bail Application No.90/2026 rejecting the bail application preferred on behalf of the appellant, who is in custody in connection with FIR No.724/2024 registered at Police Station Muhana, District Jaipur City (South) for the offence punishable under Section 140(2) of the Bharatiya Nyaya Sanhita, (in short 'BNS') 2023. After completion of investigation, police filed charge-sheet in this matter

for the 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 the BNS, 2023 & Section 3(2)(v) of SC/ST Act.

2. The previous criminal appeal preferred on behalf of the appellant was dismissed on merits by this Court vide order dated 26.09.2025. Thereafter, appellant preferred a bail application before the learned trial Court, however same was dismissed vide order dated 18.04.2026, thus this criminal appeal has been preferred.

3. Learned counsel for the appellant submits that the appellant has been falsely implicated in this case. Counsel submits that upon examination of the witnesses by the trial Court, nothing incriminating has come on record against the appellant. Counsel submits that the appellant is in custody since 20.07.2024, charge-sheet has been filed, trial will take considerable time for its conclusion as out of 20 prosecution witnesses only 3 have been examined so far and further custody of the appellant would not serve any fruitful purpose, therefore, considering the period of incarceration of the appellant, the present appeal may be allowed.

4. Learned State Counsel vehemently opposes the prayer made by learned counsel for the appellant and submits that previous criminal appeal filed on behalf of the appellant was dismissed by this Court on merits by way of passing detailed order and as such, there is no substantial change in circumstances. Counsel submits that there are serious allegation levelled against the appellant, therefore, considering the nature and gravity of the offense, the present appeal may be dismissed.

5. I have considered the contentions.

6. Having regard to the totality of the facts and circumstances of the case; considering the arguments advanced at bar, especially considering the fact that previous criminal appeal of the appellant was dismissed on merits by this Court after taking into consideration the seriousness of allegations levelled against the appellant; looking to the nature and gravity of offence and so also the fact that there are no change in circumstances, therefore, this Court is not inclined to change its earlier view and enlarge the appellant on bail.

7. In view of above, this criminal appeal stands dismissed.

8. The observations made hereinabove are only for disposal of the present appeal and would not have any impact on the trial of the case in any manner.

(ANIL KUMAR UPMAN),J