HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Criminal Miscellaneous Bail Application No. 6065/2026
CNR: RJHC020371912026 | URN: CRLMB / 10833U / 2026

Yogesh @ Dholu S/o Sh. Ramniwas, Aged About 25 Years, R/o Devroad, Police Station Pilani, District Jhunjhunu. (At Present Confined In District Jail Jhunjhunu).

----Petitioner

Versus

The State Of Rajasthan, Through PP

----Respondent

Connected With

S.B. Criminal Appeal (Sb) No. 1023/2026
CNR: RJHC020443662026 | URN: CRLAS / 1922U / 2026

Pawan Kumar Son Of Shri Prithvi Singh, Aged About 31 Years, Resident Of Devroad, Police Station Pilani, District Jhunjhunu (At Present Confined In District Jail, Jhunjhunu)

----Petitioner

Versus

State Of Rajasthan, Through Public Prosecutor.

----Respondent

S.B. Criminal Appeal (Sb) No. 1336/2026
CNR: RJHC020562952026 | URN: CRLAS / 2408U / 2026

Rajesh Singh S/o Mahendra Singh, Aged About 30 Years, R/o Khudaniya Police Station Mandrela District Jhunjhunu Rajasthan.

----Petitioner

Versus

1. State Of Rajasthan, Through P.P
2. Omprakash S/o Bhomaram, Aged About 60 Years, R/o Dhindhwaaathuna, Pilani, Jhunjhunu, Rajasthan

----Respondents

For Petitioner(s)	:	Mr. Kamlendra Sihag Mr. Aditya Khandelwal Mr. Harshad Kapoor
For Respondent(s)	:	Mr. Jaiprakash Tiwari, PP Mr. Abhishek B. Sharma Mr. Vikas Dheendwal, RPS, CO Chirawa

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HON'BLE MR. JUSTICE PRAMIL KUMAR MATHUR

Order

30/07/2026

1. The petitioner has preferred the bail application under Section 483 of BNSS in FIR No.38/2026 registered at Police Station Pilani, District Jhunjhunu for offences under Sections 103(1), 238(A), 3(5) BNS and Section 32(v) of SC/ST (Prevention of Atrocities) Act whereas Criminal Appeals are filed under Section 14A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter to be referred as 'the SC/ST Act') have been filed on behalf of the appellants being aggrieved with the order dated 17.04.2026 and 06.06.2026 passed by the learned Special Judge S.C./S.T. (Prevention of Atrocities Cases), Jhunjhunu (hereinafter to be referred as 'trial court') in the aforesaid FIR, whereby the trial court has dismissed the bail applications filed on behalf of the appellants.

2. The allegations against the petitioners are that they, along with the deceased Anil, consumed liquor and, in furtherance of their common intention, administered aluminium phosphide to deceased Anil, the consumption of which ultimately resulted in the death of the deceased.

3. Since the bail application and the appeals arise out of the same FIR and involve common questions of law and facts, hence, the matters are being heard and decided by this common order.

4. Heard learned counsel for the petitioners as well as the learned Public Prosecutor.

5. Learned counsel submits that the prosecution case rests entirely upon the circumstantial evidence and there is no direct evidence connecting the petitioners with the alleged offence. It is contended that the petitioners have been implicated merely on the basis of an alleged extra-judicial confession made by witness Sajjan which by itself a weak piece of evidence. It is also argued that no recovery has been effected at the instance of the petitioners. It is further submitted that the Call Detail Records (CDRs) as well as location data do not establish involvement of the petitioners. Learned counsel has further argued that aluminium phosphide cannot be mixed with liquor and, therefore, the prosecution story is inherently improbable.

The petitioners have been in judicial custody since 14.02.2026, the investigation has been completed and the charge-sheet has already been filed. Therefore, it is prayed that the petitioners deserve to be enlarged on bail.

In support of his contentions, learned counsel has relied upon the following judicial precedents:

1. **Devendra Singh @ Labba vs. State of Uttrakhand 2017 SCC OnLine Utt 1157**
2. **Hasib vs. State of UP 2025:AHC:181883 Decided on 13 October 2025**
3. **Altaf Ali vs. State of UP 2026:AHC:56719 Decided on 19 March 2026**
4. **Rahul @ Kaalu vs. State of Haryana 2023:PHHC:109084 decided on 22 August 2023**
5. **Shri Nitish Yadav vs. The State 2011 SCC OnLine Del 441**

6. Jaipal vs. State of Haryana (2003) 1 Supreme Court Cases 169

6. Per contra, learned Public Prosecutor has vehemently opposed the bail application and submits that there exists a strong motive for the commission of the offence. It is contended that, as per the statement of Sita, wife of the deceased Anil, petitioner Pawan Kumar intended to marry her and, on this account the deceased was done to death by the petitioners in connivance with the other co-accused by administering poison after procuring aluminium phosphide. Petitioner Pawan Kumar had contacted the deceased through the mobile phone of deceased's wife and called him out of his house. Thereafter, the deceased was taken in a vehicle along with the other co-accused, where poison was administered to him. Subsequently, the accused persons left the deceased in an unconscious state to his house.

The learned Public Prosecutor further submits that the prosecution case is not founded merely upon an alleged extra-judicial confession but is supported by the evidence of material witnesses, the Call Detail Records (CDRs), the recovery of the vehicle used in the commission of the offence and the Forensic Science Laboratory report ("FSL"), which detects the presence of aluminium phosphide in the said vehicle as well as in the body of the deceased. It is, therefore, contended that the material collected during investigation constitute complete chain pointing towards the complicity of the petitioners and considering the gravity of the offence, no case for grant of bail is made out.

7. This Court has bestowed its anxious consideration to the rival submissions and has carefully perused the material available on record.

8. Having considered the rival submissions and the material available on record, this Court finds that there is prima facie material indicating the involvement of the present petitioners in the alleged offence. The statements of witness Sajjan and Smt. Sita, wife of the deceased, coupled with the Call Detail Records (CDRs). The presence of aluminium phosphide in the body of deceased Anil as well as in the vehicle allegedly used in the commission of the offence in Forensic Science Laboratory report ("FSL") and the other surrounding circumstances, prima facie point towards the involvement of the petitioners.

9. The contention and judicial precedents advanced by learned counsel for the petitioners that aluminium phosphide could not have been consumed along with liquor requires appreciation of medical and scientific evidence during the course of trial. At this stage, such a defence cannot be conclusively examined so as to entitle the petitioners to the grant of bail.

10. Hence, considering the gravity and seriousness of the allegations, the material collected during investigation, and the nature of the material relied upon by the prosecution, this Court is not persuaded to enlarge the petitioners on bail.

11. Accordingly, the bail application and the connected criminal appeals are dismissed.

(PRAMIL KUMAR MATHUR),J