HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Criminal Bail Cancellation Application No. 99/2024

Dinesh Tiwari S/o Shri J.p. Tiwari, R/o Pal Bichla, Ajmer District Ajmer (Raj.)

----Petitioner

Versus

1. State Of Rajasthan, Through Pp
2. Kapil Choudhary S/o Vadansingh, Aged About 24 Years, R/o Village Dadu, Paigor, Police Station Kumher, District Bharatpur (Raj.)

----Respondents

For Petitioner(s)	:	Mr. Gajendra Vyas (through VC)
For Respondent(s)	:	Mr. Shree Ram Dhakar, PP (through VC) Mr. Kamal Kant Vyas (through VC)

HON'BLE MR. JUSTICE BIRENDRA KUMAR

Order

19/12/2024

1. Heard the parties.

2. This is an application for cancellation of bail granted to respondent No.2-Kapil Choudhary in S.B. Criminal Misc. Bail Application No.3309/2024 decided on 09.05.2024.

3. Bail was granted for the reason that respondent No.2-Kapil Choudhary was not named in the FIR, though several others were named in the FIR with allegation to commit fire-arm injury.

4. Moreover, Kapil Choudhary was standing on similar footing to that of co-accused Vinay Pratap, who was already allowed bail.

Kapil Choudhary was in jail for more than one year on the date of grant of bail.

5. Contention of learned counsel for the applicant is that though Kapil Choudhary was not named in the FIR but pistol used in the commission of crime was recovered from him on disclosure statement under Section 27 of the Evidence Act and the aforesaid fact was concealed by Kapil Choudhary at the time of grant of bail.

6. Recovery of pistol might be a link, but in absence of specific allegation of commission of fire-arm injury in the FIR, it is not a case of cancellation of bail. Hence, prayer for cancellation of bail is refused.

7. Accordingly, the instant Criminal Bail Cancellation Application stands dismissed.

(BIRENDRA KUMAR),J

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