HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Criminal Miscellaneous 3rd Bail Application No. 10498/2026
CNR: RJHC020629202026 | URN: CRLMB / 19458U / 2026

Bhanupratap S/o Ramvilas, Aged About 23 Years, R/o (Danga Ki Dhani) Sukhchainpura, Tehsil Lalsot, District Dausa, Rajasthan. (At Present Confined In District Jail Gangapur City).

----Petitioner

Versus

State Of Rajasthan, Through PP

----Respondent

For Petitioner(s)	:	Mr. Rajeev Kumar Sogarwal
For Respondent(s)	:	Mr. Amir Aziz with Mr. Tanay Shankar Sharma and Mr. Navdeep Singh Mr. Vijay Singh Yadav, PP

HON'BLE MR. JUSTICE ASHOK KUMAR JAIN

Order

27/10/2026

1. The instant 3rd bail application under Section 483 of BNSS is filed by the applicant-accused **Bhanupratap S/o Ramvilas** seeking bail in respect of a criminal case registered as FIR No.110/2023 dated 29.06.2023 registered at P.S. Batoda, District - Sawai Madhopur, for the offence under Sections 452, 354, 302, 506 and 34 of IPC and Section 3/25 of the Arms Act.
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 the applicant submits that the first bail application of the present petitioner was dismissed by this Hon'ble Court on 11.11.2024, along with the bail application of Ankit Kumar. He further submits that Ankit Kumar filed an SLP before the Hon'ble Supreme Court and, on 16th October, 2026, same was allowed on the ground of the period of custody. He submits that Ankit Kumar remained in custody for more than two years and one month and, on the basis of the period of custody, he was granted bail. He submits that the present petitioner has been in custody since his arrest and that the period of custody is more than three years. He also submits that the petitioner is seeking bail on the ground of parity with Ankit Kumar and also on the ground of the period of custody, as the trial has not concluded. He also submits that the prosecution has listed 45 witnesses, out of whom 30 have been examined, and the examination of the remaining witnesses will take time.

4. The aforesaid contentions were opposed by the learned Public Prosecutor and learned counsel for the complainant. Learned counsel for the complainant submits that the present applicant is the main accused and that the allegation of assault is against him. He also submits that, out of 45 witnesses, 40 have already been examined and only three police witnesses and one Nodal Officer remain to be examined, and the trial is at its fag end.

5. Heard learned counsel for the parties and the learned Public Prosecutor. Perused the material placed on record.

6. The first bail application of the present applicant was considered and dismissed by this Court on 11.11.2024, along with the bail application of Ankit Kumar. The observations of this Court are reproduced as under:-

> *7. On the basis of report by Nathulal on 29.06.2023 for alleged assault by Bhanu Pratap at 3.00 P.M. on 29.06.2023, FIR No. 110/2023 was registered at P.S. Batoda. After investigation, police has filed charge-sheet against Bhanu Pratap for offence under Sections 452, 354, 302, 506, 34 IPC and 3/25 of Arms Act and against Krishna under Sections 302/120B IPC and against juvenile under Section 302/120B IPC. This Court has allowed bail application of Krishna on 02.07.2024 and Ram Singh on 06.08.2024. As per order dated 11.09.2024, juvenile who was charge-sheeted in the matter was acquitted from the charge under Section 302/120B IPC by the JJB, Sawaimadhopur.*
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> *8. Now two persons, Bhanu Pratap and Ankit (both petitioners) are behind the bars and facing trial. As per learned counsel for respondent complainant, 16 witnesses have already been examined out of 26 prosecution witnesses wherein Bhanu Pratap is facing trial. A supplementary charge-sheet was also filed against Ankit as he was arrested after a delay of more than 1 year*
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> *9. With regard to Ankit, a fact is quite clear that he was avoiding his arrest, during*

investigation and the police has declared reward of ₹10,000/- on his information as he was not traceable. The police has decided to file charge-sheet under Section 299 Cr.P.C. though this charge-sheet was not filed and investigation was kept pending under Section 173(8) of Cr.P.C. The material on record clearly shows that Ankit has not co-operated during investigation and he remained out of net from police

10. As regard to Bhanu Pratap is concerned, statement of PW-1 and PW-5 clearly suggest that he is main accused. Moreover the material placed on record also indicated that it was Bhanu Pratap who entered into the house of complainant and straightaway entered into room of deceased Pooja. After hearing noise, PW-1 rushed to the room and according to her, it was Bhanu Pratap who murdered her daughter. Herein the merits of the evidence will be considered by learned trial court only after trial but considering the overall evidence available on record the finger points out upon Bhanu Pratap who fires upon deceased Pooja

11. A claim of acquaintance with Pooja was made by petitioner Bhanu Pratap but same is part of record and we cannot opine on this issue. Considering claim of honour killing by family of deceased Pooja, we can certainly say that till date no representation whatsoever was filed by petitioner Bhanu Pratap to police for false implication. The material brought on record by investigating agency is also sufficient to point out that main accused is Bhanu Pratap

12. As regard to report of armourer or seizure memo of fire arm is concerned, trial court may consider discrepancies at the time of final consideration but the armourer, who prepared the report will explain reasons as and when called by prosecution to depose before the trial court but this is not a ground to release petitioner Bhanu Pratap on bail

13. The discrepancies in the statement of PW-1 is not a subject matter to be considered with regard to bail at this stage, as she named Bhanu Pratap for involvement. Similarly, police statement of Manish is not enough to discard the remaining evidence collected by police during investigation

14. We have considered the entire material placed of record and I am of considered view that Bhanu Pratap was forwarded as main accused by police and looking to evidence available on record he is not entitled to be released on bail. Similarly Ankit has avoided investigation particularly the initial stage when crime was committed therefore, he is not entitled to be released on bail.

7. A report dated 20th August, 2026 has been received from the learned Additional Sessions Judge No. 2, Gangapur City, which indicates that the Sessions case against the present petitioner was received on 20th October, 2023 and, thereafter, a supplementary charge-sheet was filed against other accused. The report indicates that the statements of 30 witnesses have been recorded and that the process of summoning the remaining witnesses is underway.

8. The second bail application of Ankit Kumar was dismissed by this Court on 19th May, 2025 and the third on 18th September, 2025. Ankit Kumar filed SLP (Criminal) No. 15175/2006 before the Hon'ble Supreme Court and, on 16th October, 2026, the Hon'ble Supreme Court, after considering the overall facts and circumstances and the aspect of parity with co-accused Krishana, has enlarged Ankit Kumar on bail.
9. Herein this case, the entire material points a finger upon the applicant, as he is the main accused and the allegation of assault is against him. The report indicates that, at the most, six witnesses remain to be examined by the prosecution. The material indicates that the Trial Court has made all efforts to conclude the trial, as a large number of witnesses have been examined in the last one year, therefore, considering the progress in the trial, it cannot be said that the main accused should be released on bail only on the ground that he has been in custody for the last three years and the trial has not concluded. There is no parity with Ankit Kumar.
10. 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.
11. 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.

12. Accordingly, the instant 3rd bail application filed under Section 483 of BNSS preferred by **Bhanupratap S/o Ramvilas** is hereby dismissed.
13. The Trial Court is directed to expedite the trial and try to conclude as early as possible preferably within three months from date of receipt of copy of this order.
14. Office is directed to send a copy to the Trial Court.

(ASHOK KUMAR JAIN),J

108/GAURAV (D-A)