

  
**HIGH COURT OF JUDICATURE FOR RAJASTHAN**  
**BENCH AT JAIPUR**

S.B. Criminal Miscellaneous Bail Application No. 6688/2025

Ankit Kumar S/o Amar Chand Pooniya, Aged About 23 Years, R/o Malsar, Police Station Muklawa District Ganganagar. At Present In Central Jail, Jaipur.

----Petitioner

Versus

State Of Rajasthan, Through The Pp

----Respondent

Connected With

S.B. Criminal Miscellaneous Bail Application No. 7387/2025

Tinku Choudhary @ Guruji S/o Suvalal Choudhary, Aged About 32 Years, R/o Dhani Lakhawali, Police Station Amarsar, District Jaipur Rural (Presently Accused Petitioner Is Confined At Central Jail, Jail)

----Petitioner

Versus

State Of Rajasthan, Through Pp

----Respondent

S.B. Criminal Miscellaneous Bail Application No. 9098/2025

Manish Kumar S/o Shri Sudhir Lamba, Aged About 22 Years, R/o Lamba Gothada, Police Station Taranagar, District Jhunjhunu, Rajasthan. (Accused Petitioner Presently Confined In Central Jail Jaipur).

----Petitioner

Versus

State Of Rajasthan, Through Pp

----Respondent

S.B. Criminal Miscellaneous Bail Application No. 9099/2025

Sumit Singh S/o Shri Umed Singh, Aged About 25 Years, R/o Satnani Basa, Police Station Satnani, District Mahendragarh, Haryana Presently Resident Of Ganpati Keshorai Nursing College, Mansarovar, Jaipur, Rajasthan. (Accused Petitioner Presently Confined In Central Jail Jaipur)

----Petitioner

Versus

State Of Rajasthan, Through Pp

----Respondent

S.B. Criminal Miscellaneous Bail Application No. 9704/2025

Balbeer S/o Manglaram, Aged About 35 Years, R/o Ward No. 38, Bye Pass Road, Suratgarh, Police Station Suratgarh, District Ganganagar, At Present Tenant Flat No 401, Sng Group Buildingn Near Chomu Puliya, Police Station Vidhyadhar Nagar, Jaipur. At Present Confined At Central Jail, Jaipur.



----Petitioner

Versus

State Of Rajasthan, Through Pp

----Respondent

S.B. Criminal Miscellaneous Bail Application No. 9705/2025

Kashmeer Jhajhdiya S/o Sh. Nemi Chand, Aged About 25 Years, R/o House No. 11/220, New Housing Board, Police Station Sadar, Jhunjhunu. At Present Flat No. 401, Sng Group Building, Near Chomu Puliya, Police Station Vidhya Dhar Nagar, Jaipur. At Present Confined At Central Jail, Jaipur.

----Petitioner

Versus

State Of Rajasthan, Through Pp

----Respondent

S.B. Criminal Miscellaneous Bail Application No. 9706/2025

Deepak Kumar S/o Shri Pramod Kumar, Aged About 24 Years, Resident Of Mishrapura, Tehsil Jhunjhunu, Police Station Sadar Jhunjhunu, Rajasthan (At Present Confined In Central Jail Jaipur).

----Petitioner

Versus

State Of Rajasthan, Through Pp At Rajasthan High Court Bench, At Jaipur.

----Respondent

S.B. Criminal Miscellaneous Bail Application No. 9931/2025

Sandeep Kumar S/o Ramkaran, Aged About 35 Years, R/o Village Khanga Ka Bas, Police Station Sadar, Jhunjhunu. At Present Tenant Flat No. 401 S.n.g. Group Building, Near Chomu Puliya, Police Station Vidhya Dhar Nagar, Jaipur At Present Confined At Central Jail, Jaipur.

----Petitioner

Versus

State Of Rajasthan, Through Pp

----Respondent

---

For Petitioner(s) : Mr. Jaswant Singh Rathore with  
Mr. Shivam for  
Mr. Harendra Singh  
Mr. Deepak Chauhan with  
Mr. Ashok Choudhary  
Mr. Pardeep Malik with  
Mr. Anirudh Singh Shekhawat &  
Mr. Navdeep Singh  
Mr. Rajesh Goswami with  
Mr. Shiv Kumar &

Mr. Karan Sharma  
Mr. Rajendra Singh with  
Mr. Rohitash Kumar Verma  
Mr. Vijay Punia

For Respondent(s) : Mr. Rhishi Raj Singh Rathore, PP with  
Mr. Anirudh Singh  
Mr. Santosh Kumar Vijay with  
Mr. Amitabh Vijaywargia

---

**HON'BLE MR. JUSTICE SAMEER JAIN**

**Order**

**17/10/2025**

1. The instant bail applications have been filed under Section 483 BNS on behalf of accused-applicants. The accused-applicants were arrested in connection with FIR No. 18/2025 registered at Police Station Vaishali Nagar District Jaipur (West) for the offence(s) under Sections 318(4), 61(2)(A) of BNS, Section 43, 46 of IT Act and Section 10(1) of the Rajasthan Public Examination (Prevention of Illegal Means) Act, 2024 and as per order, under Section 318(4) BNS, Section 43, 66, 66C of IT Act, Section 3, 4, 8, 10(1)(2), 11 (1) of Rajasthan Public Examination (Prevention of Illegal Means) Act read with Section 61(2) of BNS.

2. Learned counsel for the accused-applicants submit that applicants are in age group of 25-10 years approximately. It is submitted that charge-sheet has been filed and applicants are in custody ever since January, 2025. There are no criminal antecedents registered against the applicants. Learned counsel for the accused-applicants have relied upon the judgment of the Apex Court in **SLP (Criminal) No. 10216/2025** titled as **Praveen Yadav Vs. State of Raj.**, wherein in the similar facts, applicants have been granted bail, considering the period of incarceration

undergone therein and charges having been framed. Learned counsel also relied upon the judgment of the Coordinate Bench of this Court in **SBCRLMB No. 1372/2025** titled as **Rajendra Kumar Vs. State of Raj.** wherein in similar facts, co-accused have been granted bail.

3. *Per contra*, learned Public Prosecutor has vehemently opposed the bail applications and has relied upon the ratio encapsulated in **Special Leave to Appeal (Cri.) No. 9041/2025** titled as **Jorawar Singh Meena Vs. State of Raj.**, wherein under similar facts, the bail application was dismissed. It is submitted that present are the cases of the organized crimes. It is also submitted that upon conviction a fine upto Rs. 1 crore and custody for a period of 5-10 years was imposed. Howsoever, it is fairly conceded that there are no criminal antecedents registered against the accused-applicants.

4. Heard and considered the arguments advanced by the counsel for the parties.

5. Considering the arguments advanced by the counsel for the parties, this Court notes the following:-

(i) that applicants are in age group of 25-10 years and they are bread earners of their families and have their entire life in front of them.

(ii) that charge-sheet has been filed and charges have been framed and trial will take time.

(iii) that Apex Court under similar circumstances has allowed the bail application of one of the co-accused, considering the period of custody i.e. running from January, 2025 onwards.

6. This Court also notes that provisions of Section 10-11 of Rajasthan Public Examination (Prevention of Illegal Means) Act, 2024 (hereinafter referred as 'Act of 2024') and the mandate of Act, 2024, raise a serious contentions qua unfair means, which alleged against the accused. Same is reiterated as under:-

*"10. (1) Any person or persons resorting to unfair means and offences under this Act, shall be punished with imprisonment for a term not less than three years but which may extend to five years and with fine up to ten lakh rupees. In case of default of payment of fine, an additional punishment of imprisonment shall be imposed, as per the provisions of the Bharatiya Nyaya Sanhita, 2023:*

*Provided that until the Bharatiya Nyaya Sanhita, 2023 is brought into force, the provisions of the Indian Penal Code, shall be applicable in place of the said Act.*

*(2) The service provider shall also be liable to be punished with imposition of a fine up to one crore rupees and proportionate cost of examination shall also be recovered from such service provider and he shall also be barred from being assigned with any responsibility for the conduct of any public examination for a period of four years.*

*(3) Where it is established during the investigation that offence under this Act has been committed with the consent or connivance of any Director, Senior Management or the persons in-charge of the service provider firm, he shall be liable for imprisonment for a term not less than three years but which may extend to ten years and with fine of one crore rupees. In case of default of payment of fine, an additional punishment of imprisonment shall be imposed as per the provisions of the Bharatiya Nyaya Sanhita, 2023:*

*Provided that until the Bharatiya Nyaya Sanhita, 2023 is brought into force, the provisions of the Indian Penal Code, shall be applicable in place of the said Act.*

*(4) Nothing contained in this section shall render any such person liable to any punishment under the Act, if he proves, that the offence was committed without his knowledge and*

*that he exercised all due diligence to prevent the commission of such offence.*

*11. (1) If a person or a group of persons including the examination authority or service provider or any other institution commits an organized crime, he shall be punished with imprisonment for a term not less than five years but which may extend to ten years and with fine which shall not be less than one crore rupees. In case of default of payment of fine, an additional punishment of imprisonment shall be imposed as per the provisions of the Bharatiya Nyaya Sanhita, 2023:*

*Provided that until the Bharatiya Nyaya Sanhita, 2023 is brought into force, the provisions of the Indian Penal Code, shall be applicable in place of the said Act.*

*(2) If an institution is involved in committing an organized crime, its property shall be subjected to attachment and forfeiture and proportionate cost of examination shall also be recovered from it."*

7. It is noted that youth to earn quick money, *prima facie* are involved in use of unfair means in public examinations in an organized manner, being hand in glove with different stake holders.

8. Considering that bail is an equality between the right of liberty; that "bail is a right and jail is an exception" as directed in the ratio encapsulated in **State of Rajasthan v. Balchand @ Baliay: (1977) 4 SCC 308**; that the applicants are young persons; that the co-accused is enlarged on bail by Hon'ble Supreme Court in **Praveen Yadav (Supra)**; that the applicants have been in custody ever-since January 2025, and taking note of the overall facts and circumstances of the matter at hand, however, without commenting upon the merits/demerits of the case, this Court is inclined to grant the bail applications of the

accused-applicants and enlarge them on bail, subject to following conditions:-

- (i) As section 11 of Act of 2024 states that a fine upto Rs. 1 Crore can be imposed, this Court is of the view that as *prima facie* offence is made out, bank guarantee of Rs. 10 Lacs be deposited by the applicants (individually), prior to the release.
- (ii) Applicants shall periodically mark their attendance at the concerned Police Station once in every two months on 5th of every month at 11.00 AM.
- (iii) Applicants shall contribute to the Swachh Bharat Abhiyan – initiative of the government, for a period of two months from the date of enlarging on bail, on two hours per day basis, as an honorary work, under the supervision and directions of the SHO qua the FIR (Supra) in consonance with the directions of the Municipal Corporation/Local Administrative authorities concerned.

9. Accordingly, the bail applications under Section 483 BNSs are **allowed** along with aforementioned conditions and it is ordered that accused-applicants **1. Ankit Kumar S/o Amar Chand Pooniya, 2. Tinku Choudhary @ Guruji S/o Suvalal Choudhary, 3. Manish Kumar S/o Shri Sudhir Lamba, 4. Sumit Singh S/o Shri Ummed Singh, 5. Balbeer S/o Manglaram, 6. Kashmeer Jhajhdiya S/o Sh. Nemi Chand, 7. Deepak Kumar S/o Shri Pramod Kumar & 8. Sandeep Kumar S/o Ramkaran**, shall be enlarged on bail provided each of them furnishes a personal bond of Rs.40,00,000/- (Rupees Forty Lacs) with two sureties of Rs.5,00,000/- (Rupees Five Lacs) each, to the satisfaction of learned trial Judge for their appearance before the court concerned on all the dates of hearing as and when called

upon to do so.

10. A copy of present order be placed in the connected applications.

(SAMEER JAIN),J

Pooja /10,12-18