RAJASTHAN HIGH COURT
सत्यमेव जयते

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Criminal Misc. Second Bail Application No. 15090/2026
CNR: RJHC020929232026 | URN: CRLMB / 27827U / 2026

Rajasthan High Court
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Ganpatlal Malwada S/o Shri Mangilal, Aged About 31 Years, R/o Malwara, Tehsil Chitalwana, Police Station Chitalwana, District Jalore (Raj.) (At Present Confined In Central Jail Jaipur).

----Petitioner

Versus

State Of Rajasthan, Through Pp

----Respondent

Connected With

S.B. Criminal Miscellaneous Bail Application No. 16162/2026
CNR: RJHC020968302026 | URN: CRLMB / 29918U / 2026

Bhupendra @ Bhupendra Saran S/o Paburam, Aged About 42 Years, R/o Village Parawa, P.s. Chitalwana, Distt. Jalore, Currently R/o 67-C, Rajni Vihar, Heerapura, P.s. Karni Vihar, Distt. Jaipur (Presently Confined In High Security Jail Ajmer).

----Petitioner

Versus

State Of Rajasthan, Through Pp

----Respondent

For Petitioner(s)	:	Mr. Gajveer Singh Rajawat Mr. Prince Pal Singh
For Respondent(s)	:	Mr. N.S. Dhakar, PP

HON'BLE MR. JUSTICE ANIL KUMAR UPMAN

Order

09/10/2026

1. Since these Criminal Misc. Bail Applications are arising out of the same FIR, therefore, they are being heard and decided by this common order.

2. These bail applications under Section 483 of BNSS have been filed on behalf of the petitioners, who have been arrested in

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RAJASTHAN HIGH COURT सत्यमेव जयते

connection with FIR No.03/2026 registered at Special Police Station (SOG), District ATS & SOG for offences punishable under Sections 420, 467, 468, 471 & 120B of IPC, Section 66D of Information Technology (Amendment) Act, 2008 and Sections 4 & 6 of Rajasthan Public Examination (Prevention of unfair means) Act, 1992. After completion of investigation, police filed charge-sheet in this case for offences punishable under Sections 420, 467, 468, 471, 120, 201 & 120B of IPC, Section 66D of Information Technology (Amendment) Act, 2008 and Sections 4 & 6 of Rajasthan Public Examination (Prevention of Unfair Means) Act, 1992.

Rajasthan High Court सत्यमेव जयते Web Copy - Not Official

3. The brief facts giving rise to the present bail applications are that the SOG, Jaipur has registered the present FIR in connection with a paper leak pertaining to the Junior Engineer Examination, 2020, for which re-examination was conducted in the year 2021, across the State of Rajasthan. Upon receipt of a complaint from the State Selection Commission, an investigation was undertaken. During the course of investigation, it was found that petitioner Bhupendra Saran had provided a tablet to his site handler, namely, Ganpat Malwara (petitioner herein). Thereafter, the petitioner proceeded to Mansarovar Metro Station, where he met co-accused Bheemsingh, who took him to a nearby residential premises. At the said premises, the solved question papers pertaining to the JEN Examination, 2020 were allegedly printed and thereafter distributed amongst ten other candidates. The solved papers were thereafter disseminated by the paper leak syndicate across various districts and towns of the State of Rajasthan, pursuant to

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RAJASTHAN HIGH COURT सत्यमेव जयते

which certain candidates were selected and subsequently appointed in their respective departments.

4. Learned counsel appearing for petitioner-Ganpatlal Malwada submits that the petitioner has been implicated in the present case primarily on the fact that he was the site handler of petitioner-Bhupendra @ Bhupendra Saran and on account of the fact that certain other cases of similar nature have been registered against him. It is submitted that the petitioner was arrested on 05.07.2025 and his custody in the present case was subsequently effected through a production warrant on 26.02.2026. It is submitted that charge-sheet has been filed and trial is likely to take considerable time in its conclusion and thus further custody of the petitioner would not serve any fruitful purpose.

Rajasthan High Court सत्यमेव जयते Web Copy - Not Official

5. Learned counsel appearing for petitioner-Bhupendra @ Bhupendra Saran submits that the petitioner has been falsely implicated in the present case. It is contended that the alleged offences are triable by Magistrate. It is submitted that the petitioner was arrested on 23.02.2023 and his custody in the present case was subsequently effected through a production warrant on 26.02.2026. It is further submitted that the examination in question was conducted on 12.09.2021, whereas the present FIR came to be registered on 19.01.2026, after an unexplained delay of more than four years. Counsel submits that the prosecution has failed to furnish any plausible explanation for such inordinate delay. It is submitted that unexplained delay in lodging the FIR casts serious doubt upon the genuineness of the allegations. Counsel further submits that the petitioner has been

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implicated merely on the ground that certain other cases of similar nature have been registered against him. It is contended that there is no material available on record which prima facie connects the petitioner with the commission of the alleged offences.

6. Finally, counsel appearing for the petitioners submit that the trial is likely to take considerable time in its conclusion. It is submitted that certain co-accused persons have already been granted benefit of bail by this Court as well as by Coordinate Bench of this Court and the cases of the present petitioners stand on a better footing than those of the said co-accused persons. It is further submitted that the petitioners have remained in custody since the date of their respective arrests and their continued incarceration would serve no fruitful purpose. Counsel submit that the petitioners are ready and willing to abide by any condition that may be imposed by this Court. It is, therefore, prayed that the present bail applications may be considered liberally and the petitioners be enlarged on bail.

7. Per contra, learned Public Prosecutor, vehemently opposed the bail applications. He submits that the petitioners form part of a syndicate involved in the leakage of examination papers. It is submitted that substantial amounts of money were allegedly received by the petitioners in connection with the leakage of the examination paper. It is submitted that the petitioners are habitual offenders, as there are 5 cases registered against petitioner-Ganpatlal Malwada, and 14 cases are registered against petitioner-Bhupendra @ Bhupendra Saran. It is, therefore, prayed

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that looking to the nature and gravity of the allegations, benefit of bail may not be extended to the petitioners.

8. In rejoinder, learned counsel for the petitioners submit that out of the aforementioned cases registered against the petitioners, petitioner-Ganpatlal Malwada has been granted bail in two cases and petitioner-Bhupendra @ Bhupendra Saran is on bail in twelve cases.

9. I have considered the contentions and perused the material available on record.

10. The allegations in the present case relate to leakage of the question paper pertaining to the Junior Engineer Examination, 2020, for which re-examination was conducted in the year 2021. The allegations are undoubtedly serious in nature. However, while considering the prayer for bail, the Court is required to take into consideration the nature of allegations, the material collected during investigation, the period of custody undergone by the accused, the stage of the proceedings, the likelihood of conclusion of trial within a reasonable period.

11. In the present case, it is noticed that the petitioners have been implicated during different stages of investigation and the material relied upon by the prosecution includes, inter alia, statements of co-accused persons. The evidentiary value of such statements, their corroboration from other material and the extent to which the same would ultimately establish the alleged conspiracy are matters which would require appreciation of evidence during the course of trial. At this stage, this Court is not required to undertake a meticulous appreciation of such material

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RAJASTHAN HIGH COURT सत्यमेव जयते

or to determine whether the prosecution would ultimately be able to establish the alleged offences beyond reasonable doubt.

12. This Court is conscious of the seriousness of the allegations pertaining to leakage of an examination paper. However, seriousness of the accusation, by itself, cannot be the sole consideration for declining bail. The Court is also required to balance the nature of the allegations with the right to personal liberty, the period of custody, the stage of the proceedings and the likely time required for conclusion of the trial.

Rajasthan High Court सत्यमेव जयते Web Copy - Not Official

13. Having regard to the totality of the facts and circumstances of the case, considering the submissions advanced at bar, especially considering the material available on record in the form of charge-sheet, as also considering the fact that the alleged offences are triable by Magistrate, so also the fact that similarly situated co-accused persons have already been enlarged on bail by this Court as well as by Coordinate Bench of this Court and trial is likely to take considerable time in its conclusion, but without commenting anything on the merits/demerits of the case, this Court deems it fit and proper to allow these bail applications.

14. These bail applications are accordingly allowed and it is directed that accused-petitioners – **(1) Ganpatlal Malwada S/o Shri Mangilal, (2) Bhupendra @ Bhupendra Saran S/o Paburam,** shall be released on bail provided each of them furnishes a personal bond in the sum of Rs.2,00,000/- together with two sureties in the sum of Rs.1,00,000/- each to the satisfaction of the learned Trial Court with the stipulation that they shall appear before that Court and any Court to which the matter

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is transferred, on all subsequent dates of hearing and as and when called upon to do so.

15. Considering the nature of offences, it is made clear that the accused-petitioners shall not involve in any other offence(s) during currency of the bail. It is made clear that petitioners shall mark their presence at the concerned police station in the first week of every month, until the conclusion of the trial, after being enlarged on bail in all the other cases.

16. Concerned SHO shall enter attendance of the petitioners in the Roznamcha. In case the petitioners fail to mark their presence in the concerned police station, the concerned SHO is directed to immediately report the matter to the concerned Court in this regard.

17. If any breach of these conditions is reported or come to the notice of the Court, the same shall alone be a reason for the trial Court to cancel the bail granted to them by this Court.

18. Office is directed to send a copy of this order to the concerned SHO for necessary compliance.

19. The observations made hereinabove are only for disposal of these bail applications and would not have any impact on the trial of the case in any manner.

(ANIL KUMAR UPMAN),J

24-25/CHARU SONI

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