

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.1456 of 2019**

Arising Out of PS. Case No.-23 Year-2018 Thana- SC/ST District- Patna

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BHAL CHANDRA PATHAK Son of Late Ghuran Pathak Working as In-charge Legal, in the Bihar State Housing Co-operative Federation Limited, Lalit Bhawan, Bailey Patna, P.S.- Gardanibagh, Distt.- Patna.

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. Dev Narain Paswan, Resident of Village - and Post Ram Nagar Diyara, Via-Bakhtiyarpur, Distt.- Patna.

... .. Respondent/s

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**Appearance :**

For the Appellant/s : Mr.Purushottam Jha  
For the Respondent/s : Mr.Binay Krishna

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**CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL**

ORAL ORDER

4      02-07-2019                      Heard learned counsel for the appellant and learned Spl. PP for the State.

The appellant seeks pre-arrest bail in connection with SC/ST (Sachivalaya) P.S. Case No. 23 of 2018, Special Case No. 245 of 2018 registered under Sections 147, 341, 323, 504 and 506 of the Indian Penal Code and Section 3(i)(r) and 3(1)(2) of the SC/ST Act.

Four named accused persons are said to have slated the informant in the name of his caste and also assaulted him over filing nomination by him as Director of the Bihar State Housing Co-operative Federation Limited while the appellant is said to have tampered with the resolution of the informant



received from Jharkhand.

It is submitted by learned counsel for the appellant that no such occurrence as alleged ever took place. Appellant has been falsely implicated in the case merely because he happens to be employee of the Federation. He has no concern with the aforesaid occurrence. He has not made any tampering with the resolution of the informant. There is no allegation of slating the informant in the name of his caste against the appellant, hence no offence under SC/ST Act is made out against the appellant. Similarly situated co-accused namely Ram Bishun Singh and Chandra Kumar Singh have been enlarged on anticipatory bail by a co-ordinate Bench of this Court.

Learned Spl. PP for the State opposed the prayer for bail.

Having regard to the facts and circumstances of the case, let the above named appellant, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, SC/ST, Patna in connection with Special Case No. 245 of 2018 arising out of Sachivalaya (SC/ST) P.S. Case No. 23 of 2018,



subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

Accordingly, the impugned order is set aside and appeal is allowed.

**(Prakash Chandra Jaiswal, J)**

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