

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4804 of 2023

Arising Out of PS. Case No.-37 Year-2019 Thana- SC/ST District- Gaya

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1. Anil Pathak @ Anil Kumar Jee Son Of Nand Kishore Pathak
 2. Gopal Pathak @ Gopal Kumar Pathak Son Of Krishna Kumar Pathak
Both Residents Of Village- Pursotampur, Ps- Imamganj, Distt- Gaya

... .. Appellant/s

Versus

1. The State Of Bihar
2. Smt. Kaili Devi @ Kaliya Devi Wife Of Jageshar Bhuiyan Resident Of
Village -Pursotampur, Ps- Imamganj, P.O.-Bedauli, Distt- Gaya

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Nand Kishore Prasad Sinha, Advocate
For the Respondent/s : Mrs. Usha Kumari 1, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 13-05-2025 Heard Mr.Nand Kishore Prasad Sinha, learned
counsel for the appellants and Mr.Usha Kumari 1, learned
Spl.P.P. for the State.

2. Mrs. Usha Kumari 1, learned Spl.P.P. for the
State has informed this Court that she has informed the
respondent No.2 through the Sr. Superintendent of Police, Gaya
about the present case, despite of that, no one appears on behalf
of respondent No.2.

3. This is an appeal under Sections 14(A)(2) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act, against refusal of the prayer for anticipatory bail
by order dated 18.09.2023 in A.B.P. No.306/2023 passed by the



learned Exclusive Special Judge SC/ST, Special Court, Gaya in connection with SC/ST P.S.Case No. 37 of 2019, dated 11.09.2019 registered under Sections 147,148,323,452,354,427 of the Indian Penal Code as well as under Sections 3(i)(r)(s)(w)of the Scheduled Castes and Scheduled Tribes Act.

4. The informant filed Complaint Case No.56 of 2018 on 21.07.2018 with regard to the occurrence said to have taken place on 10.06.2016. The informant alleged that her house is situated on Plot No.205 and 230 of Khata No.20 in village Purushottampur, P.S. Imamganj, District Gaya. The informant further alleged that the appellants forced the informant and his family members to work as bounded labour and when the informant and her family members refused, they having armed with different weapons came on 10.06.2016 and assaulted the informant and other family members.

5. Learned counsel for the appellant submits that the appellants have clean antecedent and they have falsely been implicated in the present case. It appears from the FIR itself that due to admitted land dispute the present occurrence had taken place and the allegation as alleged in the FIR is false and fabricated and the appellants have not committed any offence as alleged in the FIR and apart from that, from a bare perusal of



the FIR it appears that the place of occurrence is at the door of the informant which is not a public place so no case is made out under the SC/ST Act against the appellants and apart from that, the appellants have not abused the informant by her caste name and co-accused persons, namely, Rakesh Kumar Pathak @ Anjani Pathak and Brajesh Pathak, against whom the similar allegation, have been granted privilege of anticipatory bail by a Coordinate Bench of this Hon'ble Court vide order dated 05.04.2021 passed in Cr. Appeal (SJ) No.676 of 2020.

6. The learned Spl.P.P. for the State has vehemently opposed the prayer for anticipatory bail of the appellants.

7. After hearing the parties, in my view for the purpose of this anticipatory bail, no offence under the provisions of Schedule Castes and Scheduled Tribes Act is made out.

8. Considering the aforesaid facts, appellants have clean antecedent, similarly situated co-accused person, namely, Rakesh Kumar Pathak @ Anjani Pathak and Brajesh Pathak have been granted privilege of anticipatory bail by a Coordinate Bench of this Hon'ble Court and in view of place of occurrence, no case is made out against the appellants under the SC/ST Act, let the appellants, above named, in the event of their arrest or surrender before the court below within a period of thirty days



from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs.10,000 (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge SC/ST, Special Court, Gaya in connection SC/ST P.S.Case No. 37 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure/Section 482(2) of the BNSS, 2023 and with other following conditions:-

(I) Appellants shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

(II) If the appellants tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(III) And, further condition that the court below shall verify the criminal antecedent of the appellants and in case at any stage, it is found that the appellants have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the appellants. However, the acceptance of bail bonds in terms of the above-mentioned order



shall not be delayed for purpose of or in the name of verification.

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

(Rajesh Kumar Verma, J)

Nitesh/-

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