

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5344 of 2023

Arising Out of PS. Case No.-272 Year-2023 Thana- ROSHANGANJ District- Gaya

Ujjawal Pathak @ Ujjwal Kumar Son of Rajkumar Pathak Resident of
Village- Parsawan Tola Mishrichak, Ps- Roushanganj, Dist- Gaya

... .. Appellant/s

Versus

1. The State of Bihar
2. Ramesh Paswan Son of Muresh Paswan Resident of Village- Pasawan Tola
Mishrichak, Ps- Roushanganj, Dist- Gaya

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Sudhir Kumar Sinha, Advocate
For the Respondent/s : Mr. Binay Krishna, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 29-04-2025 Heard Mr. Sudhir Kumar Sinha, learned counsel

for the appellant as well as Mr. Binay Krishna, learned Spl.P.P.

for the State.

2. Despite valid service of notice upon the
Respondent No. 2, no one appears on behalf of the Respondent
No. 2.

3. This is an appeal under Sections 14(A)(2) against
refusal of the prayer for anticipatory bail by order dated
17.10.2023 passed by the learned Exclusive Special Judge
SC/ST Special Court, Gaya in connection with Roushanganj P.S.
Case No. 272 of 2021, F.I.R. dated 19.09.2023 registered under
Sections 341, 323, 504, 354, 448 and 506 of the Indian Penal



Code and Sections 3 (i) (r) (s) of the Scheduled Castes and Scheduled Tribes (POA) Act.

4. According to the prosecution case, this appellant has assaulted the informant and his family members and also abused him by taking his caste name.

5. Learned counsel for the appellant submits that appellant has clean antecedent and he has falsely been implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the appellant has not committed any offences as alleged in the F.I.R. He further submits that after the present occurrence the parties have filed compromise petition before the learned court below and the informant has stated in the compromise petition that he will not proceed with the other cases against the appellant. Apart from that it appears from the F.I.R that no case is made out under the SC/ST Act. He further submits that the only allegation against this appellant is that he has assaulted the informant.

6. Learned Special Public Prosecutor for the State has vehemently opposed the prayer for bail of the appellant.

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



8. Considering the aforesaid facts and circumstances that the appellant has clean antecedent and no case is made out under the SC/ST Act, let the appellant, above named, in the event of his arrest to 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) with two surities of the like amount each to the satisfaction of learned Exclusive Special Judge SC/ST Special Court, Gaya in connection with Roushanganj P.S. Case No. 272 of 2021, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure / Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita, 2023 and with other following conditions:-

i. Appellant 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 his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

ii. If the appellant tampers 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 appellant and in case at any stage it is found that the appellant has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the appellant. 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)

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