

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5275 of 2023

Arising Out of PS. Case No.-187 Year-2023 Thana- SALIMPUR District- Patna

UJJWAL KUMAR @ UJJWAL KAMAL Son of Late Vipin Singh R/o vill -
Vidhipur, P.S. - Salimpur, distt. - Patna

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. Bachchi Devi W/o Late Rohan Ravidas R/o vill - Vidhipur, P.S. - Salimpur,
Distt. - Patna

... .. Respondent/s

Appearance :

For the Appellant/s	:	Ms. Nivedita Nirvikar, Sr.Advocate
	:	Mr.Saroj Kumar Sharma, Advocate
For the Respondent/s	:	Mr.Sadanand Paswan, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 13-05-2025 Heard Ms. Nivedita Nirvikar, learned counsel for the
appellant, learned counsel for respondent No.2 and
Mr.Sadanand Paswan, learned Spl.P.P. for the State.

2. This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 against the rejection of prayer of anticipatory bail of the appellant vide order dated 19.10.2023 passed in ABP No.9743/2023 by the learned Special Judge SC/ST (POA) Act, Patna in connection with Salimpur P.S. Case No. 187 of 2023 dated 23.08.2023 registered for the alleged offences punishable under Sections 364, 365, 506 read with Section 34 of the Indian Penal Code and Sections 3(i)(r),3(1)



(s),3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act and later on Section 302 and 201 of the Indian Penal Code were added.

3. As per prosecution case, the co-accused persons are alleged to have kidnapped the informant's grandson for killing him.

4. Learned counsel for the appellant submits that the appellant has falsely been implicated in the present case on the basis of the information furnished by one Pawan Kumar to the informant which suggests that the informant is not the eye witness of the alleged occurrence and the allegation as alleged in the FIR is false and fabricated and the appellant has not committed any offence as alleged in the FIR.

5. The learned counsel for respondent No.2 as well as learned Spl.P.P. for the State, on the other hand, on the basis of the material available on the record and the case diary, have vehemently opposed the prayer for anticipatory bail of the appellant and submits that before filing the present FIR, the deceased, namely, Ganesh Kumar has also lodged a case bearing Salimpur P.S.Case No.166 of 2023 against the appellant and other co-accused persons and due to this reason the appellant has killed the deceased, namely, Ganesh Kumar and apart from



that, the regular bail petition of co-accused person,s namely, Utpal Kant Kumar @ Golu Kumar and Rahul Kumar @ Rikesh Kumar have been rejected by a Coordinate Bench of this Hon'ble Court vide order dated 05.07.2024 passed in Cr.Appeal (SJ) No.1141 of 2024 and order dated 12.09.2024 passed in Cr.Appeal (SJ) No.3283 of 2024 respectively. Learned counsel for respondent No.2 has fairly submitted that although the co-accused person, namely, Baban Singh @ Arvind Kumar has been granted regular bail by a Coordinate Bench of this Hon'ble Court vide order dated 02.05.2024 passed in Cr. Appeal (SJ) No.355 of 2024 but it appears from the order dated 02.05.2024 the Coordinate Bench of this Hon'ble Court has considered the regular bail of co-accused person, namely, Baban Singh @ Arvind Kumar merely on the ground that he was not named in the FIR and apart from that, a number of witnesses has come forward including Pawan Kumar, Ganesh Kumar and Raushan Kumar, all have supported the case of the prosecution in their statement under Section 161 Cr.P.C./Section 180 of BNSS, 2023 and postmortem report also supports the allegation as alleged in the FIR.

6. Considering the aforesaid facts and nature of allegation against the appellant, I am not inclined to grant



privilege of anticipatory bail to the appellant in connection with Salimpur P.S. Case No. 187 of 2023 pending in the court of learned Special Judge SC/ST (POA) Act, Patna.

7.Prayer is refused.

8. Accordingly, the impugned order order dated 19.10.2023 passed in ABP No.9743/2023 is affirmed and this appeal stands dismissed.

(Rajesh Kumar Verma, J)

Nitesh/-

U		T	
---	--	---	--

