

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.12 of 2024

Arising Out of PS. Case No.-24 Year-2023 Thana- SC/ST District- Buxar

Sunil Kumar Pathak Son of Late Mahabir Pathak Resident of Village And
P.O. - Nenua, P.S. - Dumraon, District - Buxar

... .. Appellant/s

Versus

1. The State of Bihar
2. Tileshwari Devi Wife of Kesho Ram Resident of Village - Sawahar Ex. Ward Member No.8, R/O. Panchayat Harpur, Jaipur, P.S. - Etarhi, District - Buxar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Rajesh Kumar, Advocate
For the State : Mr. Usha Kumari 1, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

6 29-07-2025 Heard Mr. Rajesh Kumar, learned counsel for the
appellant and Mrs. Usha Kumari 1, learned Special Public
Prosecutor for the State.

2. This is an appeal under Sections 14(A)(2) against refusal of the prayer for anticipatory bail by order dated 02.11.2023 passed by the learned Additional Sessions Judge-I-cum-Special Judge, SC/ST (POA) Act, Buxar in connection with Buxar Sadar SC/ST P.S. Case No. 24 of 2023, F.I.R. dated 01.09.2023 registered under Sections 341, 323, 406, 409, 354, 504, 506 of the Indian Penal Code and Sections 3(i)(r)(s)(w)(i) and 3(2)(va) of the Scheduled Castes and Scheduled Tribes (POA) Act, 1989.

3. According to the prosecution case, the appellant was



given contract under the scheme of Mukhyamantri Nal Jal Yojna and he was received Rs. 12,17,300/- (Rs. Twelve Lakh Seventeen Thousand and Three Hundred). It is alleged that he has done some work but withdrawn all the money. When complainant requested him to finish his work, then he along with other co-accused persons is said to have abused him by taking his caste name.

4. 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 no case is made out under the SC/ST Act against the appellant. As per allegation in the FIR, the petitioner has received an amount of Rs. 12,17,300/- (Rs. Twelve Lakh Seventeen Thousand and Three Hundred) under the Mukhyamantri Nal Jal Yojna and he has completed his work to the tune of Rs. 9,35,200/- (Rs. Nine Lakh Thirty Five Thousand and Two Hundred) and kept Rs. 2,82,100/- (Rs. Two Lakh Eighty Two Thousand and One Hundred) and he has not completed his work as mentioned in the FIR. It is further submitted that, infact, the wife of the appellant has deposited an amount of Rs. 2,82,100/- (Rs. Two Lakh Eighty Two Thousand and One Hundred) on 29.02.2024 itself and in view of the aforesaid, today, there is no liability against the appellant.

5. Learned Special Public Prosecutor for the State has



informed this Court that Superintendent of Police, Buxar has also informed her that the wife of the appellant has deposited an amount as mentioned aforesaid on 29.02.2024.

6. 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.

7. Considering the facts and circumstances of the case that the appellant has clean antecedent and the wife of the appellant has deposited the aforementioned amount, 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 Additional Sessions Judge-I-cum-Special Judge, SC/ST (POA) Act, Buxar in connection with Buxar Sadar SC/ST P.S. Case No. 24 of 2023 , 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 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.

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

(Rajesh Kumar Verma, J)

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