

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.127 of 2025

Arising Out of PS. Case No.-228 Year-2024 Thana- SALIMPUR District- Patna

Ujjawal Kumar @ Ujjalwal Kamal S/O Late Vipin Singh Resident of Village-
Vidhipur, P.S.- Salimpur, Dist.- Patna

... .. Appellant/s

Versus

1. The State of Bihar
2. Bachchi Devi W/O Late Rohan Ravidas Resident of Village- Vidhipur, P.S.-
Salimpur, Dist.- Patna

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mrs. Nivedita Nirvikar, Sr. Advocate Ms. Arya Achint, Advocate Mrs. Jhoshi Priya, Advocate
For the Respondent/s	:	Ms. Binay Krishna, Spl.P.P.
For the Informant	:	Mr. Manoj Kumar Jha, Advocate Mr. Kumar Chandra Shekhar, Advocate Mr. Veermani Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

6 08-12-2025 Heard learned Senior Counsel for the appellant,

learned Special Public Prosecutor for the State and learned

counsel appearing on behalf of the informant.

2. This is an appeal under Section 14-A(2) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act, 1989 (hereinafter referred to as the “SC/ST
Act”) against the refusal of prayer for anticipatory bail vide
order dated 08.10.2024 in A.B.P. No. 3732 of 2024 passed by
the learned Exclusive Special Judge, SC/ST Act, Patna in
connection with Salimpur P.S. Case No. 228 of 2024 registered
under Sections 109 and 61 of the BNS, Section 27 of the Arms



Act as well as Sections 3(1)(r)(s) and 3(2)(va) of the SC/ST Act.

3. Learned Senior Counsel appearing on behalf of the appellant submits that appellant has antecedent of two cases and the informant alleges that her grandson was murdered by the accused appellant and, on 08.08.2024, the appellant along with 6-7 unknown accused came and started abusing and fired causing firearm injury to Sanjeev Kumar in his thigh.

4. Learned Senior Counsel appearing on behalf of the appellant submits that appellant has been falsely implicated in the instant case by the informant on account of existing dispute. It is further submitted that though in the FIR, it is alleged that appellant fired causing firearm injury to Sanjeev Kumar but from the injury report, it would manifest that the same records that the injury is simple in nature caused by hard blunt substance, as such, allegation of firing stands belied.

5. Learned counsel appearing on behalf of the informant submits that the initial injury, which was treated in the Community Health Centre, Bakhtiyarpur, recorded abrasion like superficial skin and sub-cuteness layer involved on the left thigh region of the injured from gun bullet. Learned counsel for the informant, thus, submits that when the informant, in the FIR, alleges that Sanjeev Kumar was shot by firearm, the initial



injury report also records that the injury caused was by gun bullet then how the injury report, annexed with the memo of appeal, records injury caused by hard blunt substance.

6. Learned Special Public Prosecutor for the State, at this stage, submits that the case was taken up on 04.12.2025, when after hearing the learned counsel appearing on behalf of the appellant and the informant, the Station House Officer and the Investigating Officer of the case were directed to remain physically present before the Court on 04.12.2025. It is further submitted that in compliance of the order dated 27.11.2025, the Station House Officer and the Investigating Officer of the case were present in the Court and on the said date, on query of the Court from the Investigating Officer of the case as to whether after the occurrence he had seen the injured, he had stated that he saw the injured and the FSL Team was also present at the place of occurrence and it was found that the injury caused to the injured was by firearm. The Investigating Officer of the case next submitted that the trouser, which the injured was wearing, had two holes caused by firearm on which the Court made another query that when he himself saw that the injured suffered firearm injury then on what basis the injury report is recording that injury has been caused by hard blunt substance on which



the Investigating Officer of the case had submitted that the opinion with regard to the injury was recorded by the Doctor.

7. Learned Special Public Prosecutor next submits that the informant, thereafter, submitted that the final injury report does not bear the seal of the Community Health Centre, Bakhtiyarpur nor the name of the Doctor is clear that who issued the said report, as such, on the said date itself the Superintendent of Police (Rural), Patna was directed to remain physically present, at 04:00 p.m., on 04.12.2025 but since the Superintendent of Police (Rural), Patna was at Mokama on the said date, hence, he was represented by the Deputy Superintendent of Police, Barh, as such, the case was directed to be listed today and the Superintendent of Police (Rural), Patna was directed to remain physically present.

8. The Superintendent of Police (Rural), Patna is present in the Court, in compliance of the order dated 04.12.2025.

9. The Superintendent of Police (Rural), Patna submits that two pellets were recovered from the place of occurrence and the initial injury report though recorded injury by gun bullet but then it is submitted that he has enquired from the Civil Surgeon that on what basis two different injury reports



are on the record on which the Civil Surgeon informed him after talking to the Doctor concerned that initial injury report is recorded based on the statement given by the injured and thereafter the final injury report is prepared after examining the injured.

10. The Superintendent of Police (Rural), Patna, thus, submits that the injury which the injured disclosed before the Doctor based on that the initial injury was recorded but after the Doctor examined the injured the final injury report was prepared recording injury caused by hard blunt substance.

11. At this stage, learned counsel appearing on behalf of the informant submits that what is not in dispute rather stands admitted is that Sanjeev Kumar received injury and there is a specific allegation in the FIR that the injury was caused by firearm. The initial report of the Doctor records injury by gun bullet but then from perusal of the initial injury report, it does not even remotely suggest that the Doctor recorded the injury based on the statement given by the injured. It is further submitted that the pellets found from the place of occurrence have not been handed over to the FSL, as such, it appears that the Investigating Officer of the case is trying to botch up the case. It is next submitted that the witnesses examined, during



the course of investigation, have supported the case of the prosecution and appellant is alleged to have been involved in the murder of the grandson of the informant.

12. Mr. Binay Krishna, learned Special Public Prosecutor, at this stage, submits that the investigation in the case is continuing, appellant has two antecedents and if privilege of anticipatory bail is granted to the appellant, the appellant may abscond.

13. After hearing the learned counsel for the parties, the Court is not inclined to extend the privilege of anticipatory bail to the appellant.

14. Hence, the prayer for anticipatory bail is rejected.

15. The personal appearance of the Superintendent of Police (Rural), Patna, the Station House Officer and the Investigating Officer of the case is dispensed with.

(Satyavrat Verma, J)

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