

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4092 of 2023

Arising Out of PS. Case No.-85 Year-2023 Thana- KONCH District- Gaya

UJWAL KUMAR S/O SRI SURESH SINGH @ SURESH SHARMA R/O
VILLAGE AND P.O- MAJHIWA, P.S- KONCH, DISTT.- GAYA, BIHAR-
824118.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Ashutosh Singh, Advocate

For the Respondent/s : Mr. Sadanand Paswan, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

6 21-04-2026 1. Heard learned counsel for the appellant and learned
Special Public Prosecutor 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 (hereinafter referred to as the “SC/ST
Act”) against the refusal of prayer for anticipatory bail vide
order dated 31.07.2023 in A.B.P. No. 133 of 2023 passed by the
learned Exclusive Special Judge, SC/ST Spl. Court, Gaya in
connection with Konch P.S. Case No. 85 of 2023 registered
under Sections 25(1-b)a and 26 of the Arms Act as well as
Sections 3(2)(va) of the SC/ST Act.

3. Learned counsel appearing on behalf of the
appellant submits that despite valid service of notice, the
respondent no. 2 chooses not to appear and contest. It is further



submitted that appellant is a person with clean antecedent and the informant alleges that he was irrigating his field on 20.02.2023, at 11:00 a.m., when the appellant came and asked why he has not irrigated his field on which the informant replied that he will irrigate his land after irrigating his own land, hence, the appellant abused by taking caste name and took out a country made pistol and threatened him but the informant snatched the pistol when the accused fled away as villagers gathered and the pistol was handed over to the police.

4. Learned counsel for the appellant submits that appellant has been falsely implicated in the instant case by the informant. It is further submitted that from perusal of the allegation as alleged in the FIR, it would manifest that informant alleges that appellant came and abused him by taking caste name and also took out a country made pistol and threatened but then the said country made pistol was snatched and the accused fled away. It is next submitted that from perusal of the FIR, it would manifest that informant had given his thumb impression and the allegation is written in Hindi which amply demonstrates that informant is not the author of the allegation and the FIR does not even disclose who was the author of the allegation. It is also submitted that appellant is a



student of BCA and on account of dispute relating to land, he has been implicated at the behest of his agnates by the informant. It is submitted that this perhaps explains why the informant despite receiving the notice chooses not to appear and contest.

5. Learned Special Public Prosecutor for the State opposes the prayer for anticipatory bail of the appellant.

6. Considering the submissions made by the learned counsel appearing on behalf of the appellant, let the appellant, above-named, in the event of his arrest or surrender within a period of six weeks from the date of receipt of the order, be released on anticipatory bail on furnishing bail bonds of Rs.5,000/- (Rupees Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Trial Court where the case is pending in connection with the aforesaid case, subject to the conditions as laid down under Section 438(2) of the Cr.P.C./482(2) of the B.N.S.S.

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

(Satyavrat Verma, J)

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