

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3399 of 2025

Arising Out of PS. Case No.-27 Year-2024 Thana- SIMULTALLA District- Jamui

=====

Kumar Roshan @ Roshan Yadav S/o Kameshwar Yadav R/o Village-
Siyatand, P.S.- Simultala, District- Jamui

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Chandan Kumar Rajak S/o Umakant Rajak R/o Village- Telwa Bazar, P.S.-
Simultala, District- Jamui

... .. Respondent/s

=====

Appearance :

For the Appellant/s : Mr. Prakash Mahto, Advocate
For the Respondent/s : Mr. Binay Krishan, Spl.P.P.

=====

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 17-04-2026 Heard Mr. Prakash Mahto, learned counsel for the

appellant and Mr. Binay Krishan, learned Spl.P.P. for the State.

Despite valid service of notice none appeared on behalf of the

Respondent No. 2.

2. This is an appeal under Sections 14(A)(2) against
refusal of the prayer for anticipatory bail by order dated
13.05.2024 passed by the learned Additional Sessions Judge 1st,
Jamui in A.B.P. No. 540/2024 in connection with Simultala P.S.
Case No. 27/2024 F.I.R. dated 07.03.2024 registered under
Sections 341, 323, 324, 307, 504, 506 read with Section 34 of
the Indian Penal Code and Sections 3(1) (i) (s), 3(2) (va) of the
Scheduled Castes and Scheduled Tribes Act.



3. According to the prosecution case, the appellant and the co-accused persons along with 15 unknown persons are alleged to have abused the informant by calling caste name and also assaulted him by means of *lathi* and *danda*.

4. Learned counsel for the appellant submits that appellant has clean antecedent and he has falsely been implicated in the present case. Learned counsel has submitted that although the appellant is named in the F.I.R. but from perusal of the F.I.R., there is no specific allegation of overt act against the appellant rather there is general and omnibus allegation against all the five named and 15 unknown persons and for the same set of allegation, the co-accused persons, namely, Vikash Kumar and Chandan Kumar have been granted bail by the co-ordinate bench of this Hon'ble Court vide order dated 04.12.2025 passed in Criminal Appeal (SJ) No. 2658 of 2024.

5. Learned Special Public Prosecutor for the State have vehemently opposed the prayer for bail of the appellant.

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 that the appellant has clean antecedent,



there is general and omnibus allegation against the appellant and the fact that the co-accused persons have been granted bail by the co-ordinate bench of this Hon'ble Court, 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 sureties of the like amount each to the satisfaction of learned Additional Sessions Judge 1st, Jamui in A.B.P. No. 540/2024 in connection with Simultala P.S. Case No. 27/2024, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure 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.

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

(Rajesh Kumar Verma, J)

atul/-

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

