

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1905 of 2023

Arising Out of PS. Case No.-177 Year-2022 Thana- MEHANDIGANJ District- Patna

RAMDEV CHAUHAN Son of Hari Chauhan Resident of Village - Loha Ka
Pool, P.O.- Mehndiganj, P.S.- Mehndiganj, District - Patna.

... .. Appellant/s

Versus

1. The State of Bihar
2. Shekhar Kumar Ram Son of Ramesh Kumar Raut Resident of Village - Loha
Ka Pul, P.S.- Mehndiganj, District - Patna.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Shovendra Kumar
For the Respondent/s : Mr. Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 18-08-2023 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

This is an appeal under Sections 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, against refusal of the prayer for regular bail by order dated 18.03.2023 passed by the learned Special Judge, SC/ST Act, Patna, in connection with Mehadiganj P.S. Case No.177 of 2022 registered under Sections 323, 341, 307, 504, 506 of the Indian Penal Code and Sections 3(i)(r)(s), 3(2)(va) of SC/ST Act, 1989.

As per F.I.R., allegation has been levelled against the appellant that while the informant was going to a shop for



taking breakfast, at that time the appellant came and abused him by saying his caste name and thereafter assaulted him with Hasua.

Learned counsel for the appellant submits that appellant is innocent 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 the appellant has not committed any offence as alleged in the F.I.R. and appellant has not abused the caste name of the informant and so far as the acquisition against the appellant that he has assaulted the informant with Chawaniya but there is no injury report is available in the case diary to suggest that the informant has received any injury so in absence of the injury report, the allegation as alleged in the F.I.R. is falsified. He further submits that the date of occurrence as alleged in the F.I.R. is 15.11.2022 but the present F.I.R. has been instituted on 19.11.2022 after delay of four days without any explanation of delay. He further submits that the police, after investigation, submitted the charge sheet against the appellant and the appellant is in custody since 11.01.2023.

The learned counsel appearing on behalf of the Respondent No.2 as well as learned Special Public Prosecutor



have vehemently opposed the prayer for bail of the appellant and submits that appellant carries seven criminal antecedent other than the present one.

Considering the aforesaid facts and circumstances, let the appellant, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, SC/ST Act, Patna in connection with Mehadiganj P.S. Case No. 177 of 2022, subject to the following conditions:-

1. 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.

2. 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.

3. 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 dated 18.03.2023 is set aside and this appeal stands allowed.

(Rajesh Kumar Verma, J)

mdrashid/-

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

