

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2040 of 2023

Arising Out of PS. Case No.-49 Year-2023 Thana- BUXAR District- Buxar

CHHATHU CHAUHAN @ CHHOTU CHAUHAN S/O UMASHANKAR
CHOUHAN @ UMA SHANKAR CHAUHAN R/O Village- Shantinagar,
P.S- Buxar (Town), Distt.- Buxar.

... .. Appellant/s

Versus

1. The State of Bihar
2. Akshaylal Paswan S/O Late Parmeshwar Paswan R/O Village- Shantinagar,
P.S- Buxar (Town), Distt.- Buxar.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Amit Kumar Pandey
For the Respondent/s : Mr.Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

5 14-12-2023 Heard learned counsel for the appellant, learned
Special Public Prosecutor for the State.

2. The instant appeal has been filed by the appellant against the order dated 02.03.2022 passed by learned Additional District and Sessions Judge-Ist-cum Special Judge SC/ST, Buxar whereby the prayer for bail of the appellant in connection with Buxar Town P.S. Case no. 49 of 2023 under Sections 302, 34 of the Indian Penal Code, Section 27 of the Arms Act and sections 3(i)(r)(s), 3(2)(v) of SC/ST Act was rejected.

3. as per FIR, the informant has alleged that when his son was sleeping after immersion of goddess Sarsawati in



the meantime appellant and co-accused persons came there and co-accused, namely, Gopi Chauhan fired upon his son due to which his son sustained injuries and died while he was taking to hospital. It is further alleged that they were also abusing by taking his caste name.

4. It is submitted by learned counsel for the appellant that appellant has been falsely implicated in this case due to previous dispute. The informant is not an eye witness of the alleged occurrence, and there is no specific allegation of firing levelled against the petitioner rather he was merely standing at the place of occurrence. He has not taken the caste name of the informant in public view. No offence is made out under the provisions of the SC/ST Act against him. It is further submitted that the appellant has got no criminal antecedent. Moreover, he is languishing in judicial custody since 30.01.2023.

5. The appeal for bail is opposed by learned Spl. P.P. for the State.

6. Having heard learned counsel for the parties and taking into consideration that there is general and omnibus allegation against the appellant, the Court is inclined to allow this appeal. Accordingly, the appeal is allowed and the



impugned order dated 02.03.2022 is hereby set aside.

7.The appellant is directed to be enlarged on bail in connection with Buxar Town P.S. Case no. 49 of 2023 on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Additional District and Sessions Judge-I-cum Special Judge, Buxar.

(Sunil Kumar Panwar, J)

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