

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL APPEAL (SJ) No.2968 of 2023**

Arising Out of PS. Case No.-4 Year-2023 Thana- CHAINPUR District- Kaimur (Bhabua)

Dharmendra Chauhan @ Jhotwa Son Of Siyaram Chauhan @ Shivram  
Noniya R/O Village- Hatta, Ps- Chainpur, Dist- Kaimur

... .. Appellant/s

Versus

1. The State of Bihar
2. Chandrasen Prasad Son Of Bhuvan Gond Resident Of Village- Village- Hatta, Ps- Chainpur, Dist- Kaimur (BHABUA)

... .. Respondent/s

**Appearance :**

For the Appellant/s : Mr.Chandra Mohan Jha  
For the Respondent/s : Mrs.Usha Kumari 1

**CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR  
ORAL ORDER**

5      09-11-2023                      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 06.05.2023 passed by learned Special Judge SC/ST, Act, Kaimur at Bhabhua whereby the prayer for bail of the appellant in connection with Chainpur P.S. Case no. 04 of 2023 under Sections 147, 341, 323, 307, 324, 379, 504 and 506 of the Indian Penal Code and sections 3(i) (r) (s) and 3(2) (VA) of SC/ST Act was rejected.

3. Allegation against the appellant along with other co-accused persons is that they assaulted the informant along with his son by means of tangi, lathi and danda due to which



they sustained injuries.

4. It is submitted by learned counsel for the appellant that appellant has been falsely implicated in this case due to village politics. 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. There is case and counter case between both the parties and both parties have sustained injuries as alleged in separate occurrence. There is no allegation of repeating the blow against the appellant. Moreover, the appellant is languishing in judicial custody since 28.02.2023.

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 06.05.2023 is hereby set aside.

7. The appellant is directed to be enlarged on bail in connection with Chainpur P.S. Case No. 04 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 Special Judge, SC/ST Act, Kaimur at Bhabhua.

**(Sunil Kumar Panwar, J)**

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