

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1398 of 2024

Arising Out of PS. Case No.-252 Year-2023 Thana- RAJEPUR District- East Champaran

Amod Rai SON OF JAICHAND RAI @ JAICHANDRA RAI RESIDENT
OF VILLAGE- MAL MADHUAHA, PS- RAJEPUR, DISTT- EAST
CHAMPARAN

... .. Appellant/s

Versus

1. The State of Bihar BIHAR
2. SURESH CHAUDHARI SON OF LATE RAGHUNATH CHAUDHARI
RESIDENT OF VILLAGE- VIRIT MADHUAHAN, PS- RAJEPUR,
DISTT- EAST CHAMPARAN

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Sanjay Kumar, Adv.
For the Resp. No. 2	:	Mr. Patanjali Rishi, Adv.
For the Respondent/s	:	Mr.Binay Krishna, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

3 09-05-2024 Heard learned counsel for the appellant and learned
counsel for the respondent no. 2 as well as 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 against the rejection of prayer for bail vide
order dated 03.02.2024 passed by the learned Special Judge,
SC/ST (POA) Act, East Champaran, Motihari in connection
with Rajepur P.S. Case No. 252 of 2023 dated 27.10.2023
registered for the offence/s punishable u/ss 341, 323, 307, 325,
379, 504, 506 read with section 34 of the Indian Penal Code and



3(i)(r)(s) of the SC/ST (POA) Act.

3. As per the prosecution case, when the informant was sitting at Mahivir Astha, in the meantime, the appellant came and took out Rs. 10,000/- from his pocket. When the informant objected, the appellant abused and assaulted him with iron rod by calling his caste name. It is further alleged that the informant's father also assaulted the appellant by calling his name.

4. Learned counsel for the appellant has submitted that the appellant has falsely been implicated in this case due to ulterior motive. Learned counsel has further submitted that the caste name was not disclosed by anyone at the time of the alleged occurrence. As per FIR, no member of public was present at the relevant point of time of the alleged incident hence no case is made out under section SC/ST Act. It is further submitted that the dispute between the parties has already been compromised. The appellant has no criminal antecedent as stated in para 3 of the bail petition. As per impugned order dated 03.02.2024, the appellant is in custody since 19.12.2023 mentioned on the top of the said order, according to para no. 3 of the said order, the appellant is remanded in judicial custody since 27.10.2023 and as per para 7 of the said impugned order,



the petitioner is in custody since 28.10.2023.

5. Learned Spl. P.P. for the State has vehemently opposed the bail petition of the appellant. However, learned counsel for the opposite party no. 2 has submitted that the dispute between the parties has already been compromised.

6. In view of the aforesaid facts and circumstances of the case as well as finding substance in the contention of the learned counsel for the appellant, the impugned order dated 03.02.2024 passed by the learned Special Judge, SC/ST (POA) Act, East Champaran, Motihari in connection with Rajepur P.S. Case No. 252 of 2023, is set aside against the appellant. The criminal appeal is allowed.

7. Accordingly, the above named appellant, is directed to be enlarged on bail on furnishing bail-bond of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, SC/ST (POA) Act, East Champaran, Motihari in connection with Rajepur P.S. Case No. 252 of 2023.

(Chandra Prakash Singh, J)

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