

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1796 of 2024

Arising Out of PS. Case No.-471 Year-2023 Thana- KARAHGAR District- Rohtas

Ram Babu Chaudhary @ Ram Babu Choudhari S/O Late Jhunni Lal
Chaudhary R/O Village And P.O And P.S- Kargahar, Distt.- Rohtas.

... .. Appellant/S

Versus

1. The State of Bihar
2. Urmila Devi W/O Dinesh Ram R/O Village And P.O And P.S- Kargahar,
Distt.- Rohtas.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Ashwani Tiwary, Adv
For the Respondent/s : Mr. Binay Krishna, APP

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

ORAL ORDER

4 11-07-2024 Heard learned counsel for the appellant and 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, (hereinafter in short referred to as the SC/ST Act) against the refusal of prayer of bail *vide* order dated 08.02.2024 passed by the learned Exclusive Special Judge, SC/ST Act, Rohtas in connection with Kargahar P.S. Case No. 471 of 2023 registered for the offence/s punishable u/s 147, 148, 149, 323, 326A, 342, 354B, 448, 380, 302, 504, 506 of the Indian Penal Code and Sections 3(i)(r)(s) /3(2)(v) of the SC/ST Act.



3. As per the prosecution case, the appellant and the co-accused persons armed with rifle came to the door of the informant and started abusing the informant, her husband and children by calling their caste name. The co-accused *Jitendra Choudhary* and *Pawan Choudhary* armed with country made pistol started assaulting the informant and her family members due to which they sustained injuries. It is further alleged that the co-accused Jitendra Choudhary sprinkled the acid on the face of the informant's husband due to which his face got burnt. The appellant and the co-accused persons took away the box from the house in which Rs. 5,000/- was kept.

4. Learned counsel for the appellant has submitted that the appellant has falsely been implicated in this case due to ulterior motive. As per the FIR, no member of the public was present at the relevant point of time of the incident. There is specific allegation against the co-accused *Jitendra Kumar* to sprinkle acid on the face of the informant's husband. There is general and omnibus allegation against the appellant. Learned counsel has further submitted that no particular caste name has been called by the appellant hence no case is made out under section SC/ST Act. The appellant has seven criminal antecedents as stated at para 3 of the bail petition. The appellant



is in custody since 06.12.2023.

5. Learned Spl. P.P. for the State has vehemently opposed the prayer of bail.

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 08.02.2024 passed by the learned Exclusive Special Judge, SC/ST Act, Rohtas in connection with Kargahar P.S. Case No. 471 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 Exclusive Special Judge, SC/ST Act, Rohtas in connection with Kargahar P.S. Case No. 471 of 2023.

8. Accordingly, the appeal stands allowed.

(Chandra Prakash Singh, J)

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