

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4250 of 2024

Arising Out of PS. Case No.-305 Year-2024 Thana- PAKARIBARAW District- Nawada

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1. Bittu Chaurasia @ Bittu Kumar S/o- Murari Prasad Chaurasiya Village- Dola PS-Pakribarawan District-Nawada
 2. Ravi Chaurasia @ Ravi Kumar Son of Arun Kumar Chaurasia Village- Dola PS-Pakribarawan District-Nawada

... .. Appellant/s

Versus

1. The State of Bihar
2. Soni Devi W/o- Ranjeet Paswan Village- Dola PS-Pakribarawan District- Nawada

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Sanjay Kumar Singh, Adv.
For the Respondent/s : Ms.Usha Kumari 1, SPP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

4 11-12-2024 Heard learned counsel for the appellants, learned Special Public Prosecutor for the State.

2. The instant appeal has been filed by the appellants against the order dated 14.08.2024 passed by learned Exclusive Special Judge, SC/ST Act, Nawada whereby the prayer for bail of the appellants in connection with Pakribarawan P.S. Case No. 305 of 2024 under Sections 126(2)/352/351(2)/3(5) of the B.N.S. Act and Sections 3(1)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, was rejected.

3. As the notice served upon the O.P. No.2 was



received by her husband, learned counsel for the appellants has filed jointness petition, which is kept on record. Accordingly, let the service of notice upon the O.P. No.2 be deemed to be valid service of notice upon her.

4. Prosecution case, in short, is that on 20.07.2024 when the Informant was going to the village temple with her family and villagers to perform a hair cutting ceremony and Puja, on the way, the accused persons including the appellants stopped her used abusive language and threatened them with rods and sticks. They also prevented them from going to the temple by calling them derogatory names. The Informant informed the police by calling 112 whereafter the police came and allowed the Informant and her group to perform their Puja.

5. Learned counsel for the appellants submits that the appellants are innocent and have falsely been implicated in the present case for the reasons that earlier a criminal case was lodged against the Informant side by the family members of the appellants sides. The allegations leveled against the appellants are false and concocted. Learned counsel for the appellants further submits that the appellants have not taken the caste name of the informant in public view. Hence, no offence under the provisions of SC/ST Act is made out against them. The



appellants have also no intention to disgrace the image of the informant in public view. The appellants are in custody since 07.08.2024 and both have one criminal antecedent in which they are on bail as has been stated in Para-3 of the present appeal.

6. Learned Special P.P. for the State has vehemently opposed the prayer for grant of bail to the appellants.

7. Considering the aforesaid facts and circumstances of the case and the period of custody undergone by the appellants, this Court is inclined to allow this appeal. Accordingly, the appeal is allowed and order dated 14.08.2024 passed by learned Exclusive Special Judge, SC/ST Act, Nawada is hereby set aside.

8. Let the appellants, abovenamed, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Pakribarawan P.S. Case No. 305 of 2024.

(Rudra Prakash Mishra, J)

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