

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.5154 of 2023**

Arising Out of PS. Case No.-195 Year-2023 Thana- CHIRAIYA District- East Champaran

Guddu Rai Son of Dinanath Rai R/O Village- Sap Gadha, P.S.- Chiraiya,  
Dist.- East Champaran

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

**Appearance :**

|                      |   |                             |
|----------------------|---|-----------------------------|
| For the Appellant/s  | : | Mr.Prateek Tandon, Adv.     |
| For the Respondent/s | : | Mr.Sadanand Paswan, APP     |
| For the Informant    | : | Mr. Madhurendra Kumar, Adv. |

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH  
MISHRA**

ORAL ORDER

4      21-03-2024                      Heard learned counsel for the appellant, learned Special Public Prosecutor for the State and learned counsel for the informant. Perused the case diary.

2. The instant appeal has been filed by the appellant against the order dated 12.10.2023 passed by learned Special Judge, SC/ST Act, East Champaran, Motihari whereby the prayer for bail of the appellant in connection with Chiraiya P.S. Case No. 195 of 2023 under Sections 147, 148, 149, 341, 323, 504, 506 of the I.P.C. and Section 3(1)(r)(s) SC/ST Act and Section 27 of the Arms Act, was rejected.

3. The accusation against the accused including the appellant is of abusing the Informant by his caste name on account of his opposition to the alleged illegal construction



being carried out by the accused and they also threatened him by firing.

4. Learned counsel for the appellant submits that the appellant has falsely been implicated in the present case. There is a land dispute between the parties. There is general and omnibus allegation of firing against the appellant but, nothing has been recovered from the place of occurrence. No independent witness has supported the prosecution case against the appellant. Charge-sheet has been submitted in this case. Learned counsel for the appellant further submits that the appellant has 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 him. The appellant has no intention to disgrace the image of the informant in public view. The appellant is in custody since 02.09.2023 and has altogether 12 criminal antecedents but, in all of them, he is on bail.

5. Learned Special P.P. for the State and the informant have vehemently opposed the prayer for grant of bail to the appellant.

6. Considering the aforesaid facts and circumstances of the case and taking into account the period of custody undergone by the appellant, this Court is inclined to allow this



appeal. Accordingly, the appeal is allowed and order dated 12.10.2023 passed by learned Special Judge, SC/ST Act, East Champaran, Motihari is hereby set aside.

7. Let the appellant, abovenamed, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Chiraiya P.S. Case No. 195 of 2023, subject to the conditions that;

(i) One of the bailors shall be own/close member of the family of the appellant.

(ii) The appellant shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the appellant.

**(Rudra Prakash Mishra, J)**

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