

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.285 of 2025

Arising Out of PS. Case No.-112 Year-2014 Thana- GAYA MUFASIL District- Gaya

1. Tulshi Chauhan @ Tulshi Prasad @ Veer Pratap Chauhan Son of Jageshwar Prasad Resident of Village - Gere Beldari Chiriyathan, P.S. - Buniyad Ganj, District - Gaya
2. Toofan Chauhan @ Tufan Chauhan Son of Bhola Chauhan Resident of Village - Gere Beldari Chiriyathan, P.S. - Buniyad Ganj, District - Gaya

... .. Appellant/s

Versus

1. The State of Bihar
2. Rekha Devi Wife of Mahendra Das Resident of Village - Beldari Chiraiya Tardh, P.S. - Mufassil, District - Gaya

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Sharda Nand Mishra, Advocate
For the Respondent/s : Mr.Sadanand Paswan, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

6 25-11-2025 Heard learned counsel for the appellants and learned Spl. P.P. for the State.

2. This appeal is preferred against the order dated 12.09.2024 passed by the learned Exclusive Special Judge, SC/ST Act, Gaya in A.B.P. No. 276 of 2024 in connection with Muffasil P.S. Case No. 112 of 2024 registered under Sections 452, 376, 511, 323, 506, 34 of the Indian Penal Code and under Section 3(2)(v) of the SC/ST Act by which the prayer of the appellants for grant of anticipatory bail has been rejected.

3. As per the prosecution case, the appellants allegedly entered the informant's home drunk, attempted rape



and even assaulted her father and threatened her.

4. Learned counsel for the appellants submits that the appellants have falsely been implicated in this case and from the FIR and the final form it appears that the case was lodged because of previous land dispute and appellants were exonerated after investigation and no offence under the provisions of SC/ST Act is made out in this case and therefore the application of the anticipatory bail is maintainable.

5. Learned counsel for the State has opposed the prayer of the appellants.

6. From the reading of the entire FIR it does not appear that offence has been committed against the informant on the ground that she is a member of SC/ST community and primarily, it appears that the occurrence has taken place due to land dispute.

7. In these circumstances, this application for grant of anticipatory bail is held to be maintainable.

8. Considering the facts of the case and the rival submissions of the parties, this appeal is allowed and accordingly, the order dated 12.09.2024 passed by the learned Exclusive Special Judge, SC/ST Act, Gaya in ABP No. 276 of 2024 in connection with Muffasil P.S. Case No. 112 of 2024, is



hereby set aside.

9. Let the appellants, in the event of their arrest or surrender within four weeks from today, be released on bail on furnishing bail bonds of Rs. 10,000/-(Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge, SC/ST Act, Gaya in ABP No. 276 of 2024 /concerned Court below in connection with Muffasil P.S. Case No. 112 of 2024, subject to the conditions laid down under Section 438(2) of the Code of Criminal Procedure/482(2) of the BNSS.

(Sandeep Kumar, J)

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