

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.679 of 2025

Arising Out of PS. Case No.-769 Year-2024 Thana- HISUWA District- Nawada

Buloo Chouhan @ Bullu Chouhan @ Ballu Chouhan Son of Late Bazu Chauhan@ Bhaju Chauhan Resident of Village - Kendua Beldari, P.S. - Hisua, District - Nawada

... .. Appellant

Versus

1. The State of Bihar
2. Mano Devi Wife of Late Surendra Chaudhary Resident of Village - Baraitha, Hisua, P.S. - Hisua, District - Nawada

... .. Respondents

Appearance :

For the Appellant	:	Mr. Aryan Singh
For the Respondent	:	Mrs.Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

5 26-06-2025 Heard learned counsel for the appellant and learned Special Public Prosecutor for the State but none appeared on behalf of the respondent no. 2 despite the information was given by the Spl.PP.

2. This is an appeal under Section 14A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter in short referred to as the SC/ST Act) against the refusal of prayer of bail *vide* order dated 04.01.2025 passed by the learned Special Judge, SC/ST Act, Nawada in connection with Hisua P.S. Case No. 769 of 2024 dated 20.12.2024 registered for the offence/s punishable u/s 105 of the B.N.S. and Sections 3(2)(v) of the SC/ST Act.



3. As per the prosecution case, the petitioner is alleged to have taken the informant's husband with him for climbing on the palm tree. It is further alleged that the informant's husband died as a result of falling from the palm tree.

4. Learned counsel for the appellant has submitted that the appellant has falsely been implicated in this case due to ulterior motive. As per FIR, no member of public was present at the relevant point of time of the incident. Learned counsel has further submitted that no particular caste name has been called by the appellant hence no case is made out under SC/ST Act. The deceased died due to falling from the palm tree. The appellant has no criminal antecedent as stated at para 3 of the bail petition. The appellant is in custody since 04.12.2024.

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 04.01.2025 passed by the learned Special Judge, SC/ST Act, Nawada in connection with Hisua P.S. Case No. 769 of 2024 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 Act,
Nawada in connection with Hisua P.S. Case No. 769 of 2024 .

(Chandra Prakash Singh, J)

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