

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.869 of 2024

Arising Out of PS. Case No.-241 Year-2017 Thana- NOKHA District- Rohtas

Premchand Chaudhary @ Premchand Singh SON OF Late Indra Chaudhary
Village- Bhalauahi PS-- Nokha Dist -Rohtas

... .. Appellant/s

Versus

1. The State of Bihar
2. SHARDA DEVI WIFE OF DADAN RAM Village- Bhalauahi PS-- Nokha Dist -Rohtas

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Babu Nandan Prasad
For the Respondent/s : Mr.Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

3 27-11-2025 Heard learned counsel for the appellant and learned
Spl. P.P. for the State.

2. This appeal is preferred against the order dated 25.01.2024 passed by the learned Court of ADJ-XVII-cum-Exclusive Special Judge, SC/ST Act, Rohtas at Sasaram in Registered No. 312 of 2017 arising out of Nokha P.S. Case No. 241 of 2017 registered under Sections 341, 323, 448, 504/34 of the Indian Penal Code and under Section 3(1)(r)(s) of the SC/ST Act by which the prayer of the appellant for grant of anticipatory bail has been rejected.

3. As per the prosecution case, the appellant is alleged to have assaulted the informant and has abused her by taking



caste name.

4. Learned counsel for the appellant submits that the appellant has falsely been implicated in this case and no offence under the provisions of SC/ST Act is made out in this case as the occurrence has taken place because of dispute over working in a field and therefore the application of the anticipatory bail is maintainable.

5. Learned counsel for the State and learned counsel for the informant have opposed the prayer of the appellant.

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 because of a dispute over working in a field.

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 25.01.2024 passed by the learned Court of ADJ-XVII-cum-Exclusive Special Judge, SC/ST Act, Rohtas at Sasaram in Registered No. 312 of 2017 arising out of Nokha P.S. Case No. 241 of 2017, is hereby set aside.



9. Let the appellant, in the event of his 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 Court of ADJ-XVII-cum-Exclusive Special Judge, SC/ST Act, Rohtas at Sasaram/concerned Court below in Registered No. 312 of 2017 arising out of Nokha P.S. Case No. 241 of 2017, 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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