

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.953 of 2024

Arising Out of PS. Case No.-124 Year-2023 Thana- CHAKAND District- Gaya

Chandan Kumar Son of Raju Ram Resident of Village- Chakand Garh, P.S.-
Chakand, Dist.- Gaya

... .. Appellant/s

Versus

1. The State of Bihar
2. Rina Devi Wife of Dharmendra Prasad Resident of Village- Cghakand Garh,
P.S.- Chakand, Dist.- Gaya

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Vinod Kumar, Advocate
For the Respondent/s : Mr. Usha Kumari 1, Spl. PP

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

8 21-11-2025 Heard learned counsel for the appellant and

learned Spl. PP for the State.

2. Despite a *vakalatnama* having been filed on
behalf of respondent no. 2, no one appears on behalf of
respondent no. 2.

3. This is an appeal under Section 14(A)(2) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act, 1989 against the rejection of prayer for bail
vide order dated 01.12.2023 passed by the learned Spl. Judge
SC/ST Spl. Court, Gaya in connection with Chakand P.S. Case
No. 124 of 2023 registered for the offence/s punishable u/ss
341, 323, 354, 379, 308, 504, 506 and 34 of the I.P.C and



under Sections 3(i)(r)(s) of the SC/ST (POA) Act.

4. As per the prosecution case, the informant has alleged that while she was sitting at her shop, the appellant along with others came there and on demand of cigarette, they started abusing and assaulting her and with bad intention, caught hold of the hand of the daughter of the informant and the other persons, who were accompanying the appellant snatched, away the *mangalsutra* and gold chain.

5. Learned counsel for the appellant submits that the appellant is innocent and has been falsely implicated in this case and no such incident as alleged has occurred. It has further been submitted that no case under the provisions of the SC/ST (POA) Act is made out, as there is general and omnibus allegation not only of assault but also of abuse by taking caste name. Lastly, it has been submitted that the appellant has clean antecedent.

6. Learned Special Public Prosecutor for the State has vehemently opposed the bail petition of the appellant and has submitted that the appellant was involved in the assault and abuse of the informant.



7. Considering the aforesaid submissions made on behalf of the parties, let the appellant above named be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bonds of Rs.10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending/successor court in connection with Chakand P.S. Case No. 124 of 2023 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure read with corresponding Section 482(2) of B.N.S.S. as well as subject to the following conditions:-

(i) The appellant is directed to remain physically present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bonds of the appellant is liable to be cancelled.

(ii) The appellant shall in no manner threaten or try to contact or influence the informant.

8. Accordingly, the impugned order dated



01.12.2023 passed by learned Spl. Judge SC/ST Spl. Court, Gaya
in connection with Chakand P.S. Case No. 124 of 2023 is set
aside and the criminal appeal is allowed.

9. It is made clear that the observation, if any, made
in this order, shall be of no bearing during trial.

(Sourendra Pandey, J)

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