

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1062 of 2024

Arising Out of PS. Case No.-489 Year-2023 Thana- BELAGANJ District- Gaya

Nitish Chauhan @ Nitesh Chauhan @ Nitish Kumar S/o Dharmendra
Chauhan R/o Village- Pathra, P.S.- Belaganj, Distt.- Gaya

... .. Appellant/s

Versus

1. The State of Bihar
2. Jugeshwar Paswan S/o Dularchand Paswan R/o Village- Pathra, P.S.-
Belaganj, Distt.- Gaya

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Ajay Kumar Sinha, Advocate Ms. Varsha Verma, Advocate
For the Respondent/s	:	Mrs. Usha Kumari 1, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 12-08-2025 Despite interappearance through Vakalatnama, no
one appears on behalf of the Respondent No. 2.

2. Heard Mr. Ajay Kumar Sinha, learned counsel for
the appellant as well as Mrs. Usha Kumari 1, learned Spl.P.P. for
the State.

3. This is an appeal under Sections 14(A)(2) against
refusal of the prayer for anticipatory bail by order dated
16.01.2024 passed by the learned Court of Exclusive Special
Judge SC/ST Spl. Court, Gaya in connection with Belaganj P.S.
Case No. 489 of 2023, F.I.R. dated 27.07.2023 registered under
Sections 341, 147, 148, 149, 323, 307, 354, 504 and 427 of the
Indian Penal Code and Sections 3(i) (r) (s) (2) (va) of the



Scheduled Castes and Scheduled Tribes Act.

4. According to the prosecution case, due to some petty dispute this appellant along with other accused persons abused and assaulted informant and his family members.

5. Learned counsel for the appellant submits that appellant has clean antecedent and he has falsely been implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the appellant has not committed any offences as alleged in the F.I.R. There is case and counter case between the parties.

6. Although no one appears on behalf of the Respondent No. 2 but the learned counsel for the Respondent No. 2 has filed counter affidavit annexing the medical prescription of the injured person.

7. Learned counsel for the appellant referring to the aforesaid counter affidavit submits that the medical prescription does not support the allegation as alleged in the F.I.R. It appears from the said medical prescription that no injury was found on the injured person. Apart from that it appears from the F.I.R that the occurrence took place in the house of the informant, so no case is made out under the SC/ST Act against the appellant.

8. Learned Special Public Prosecutor for the State has



vehemently opposed the prayer for bail of the appellant.

9. After hearing the parties, in my view for the purpose of this anticipatory bail, no offence under the provisions of Scheduled Castes and Scheduled Tribes Act is made out.

10. Considering the aforesaid facts and circumstances that the appellant has clean antecedent, no injury was found on the injured person and there is case and counter case between the parties, let the appellant, above named, in the event of his arrest or surrender before the Court below within a period of thirty days from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two surities of the like amount each to the satisfaction of learned Court of Exclusive Special Judge SC/ST Spl. Court, Gaya in connection with Belaganj P.S. Case No. 489 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure / Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita, 2023 and with other following conditions:-

i. Appellant shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient



reason, his bail bond shall be cancelled by the Court below.

ii. If the appellant tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. And further condition that the court below shall verify the criminal antecedent of the appellant and in case at any stage it is found that the appellant has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the appellant. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

11. Accordingly, the impugned order is set aside and this appeal stands allowed.

(Rajesh Kumar Verma, J)

Vanisha/-

U		T	
---	--	---	--

