

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.862 of 2025

Arising Out of PS. Case No.-130 Year-2023 Thana- KALYANPUR District- East Champaran

Upendra Chaudhary S/o Late Jagdeo Chaudhary Resident of Village -
Jagdishpur @ Math Jagdish, P.S. - Kalyanpur, District - East Champaran
... .. Appellant/s

Versus

1. The State of Bihar
2. Vakil Ram S/o Ram Sundar Ram R/o vill - Kamal Pakri, P.S.- Kalyanpur,
Distt.- East Champaran
... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Madhurendra Kumar
For the State	:	Mr.Binay Krishna
For the Res. No. 2	:	Mr. Shashi Bhushan Pandey

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

3 14-11-2025 Heard learned counsel for the appellant, learned counsel
for the respondent no. 2 and learned Special Public Prosecutor
for the State.

2. This is an appeal under section 14(A)(2) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act, (hereinafter in short referred to as the ‘SC/ST
Act’) against the refusal of prayer for anticipatory bail vide
order dated 20.11.2024, passed by learned Special Judge, SC/ST
Act, East Champaran, Motihari in connection with Kalyanpur
P.S. Case No. 130 of 2023, registered under Sections 341, 323,
435, 436, 504, 506, 427, 34 of the Indian Penal Code and
Sections 3(1) (r)(s) of SC/ST Act.

3. The case of the prosecution is that the informant’s



house was set at fire causing damage to his articles and other valuables and further allegation is that all the accused persons, including the present appellant, indulged in assault and threatening.

4. Learned counsel for the appellant, at the outset, submits that it would be apparent from the perusal of the FIR that there is no allegation of hurling any caste based abuses and further the appellant himself belongs to the Scheduled caste community which fact has been stated in ground no. 3 of the present memo of appeal. It has been further submitted that the present FIR has also been lodged after a delay of 5 days as a counter blast to the case filed on behalf of one of the accused persons and thus, the present FIR is a glaring case of mala fide prosecution.

5. Learned Spl.PP for the State and learned counsel for the respondent no. 2 have opposed the prayer for anticipatory bail on the grounds of allegation made in the first information report.

6. Considering the fact that there is no allegation of any caste based abuses coupled with the fact that the case is attended by mala fide and the appellant himself belonging to the Scheduled caste community, prima facie, the provisions of the



SC/ST Act would not get attracted.

7. Taking into consideration the facts and circumstances and also considering the fact that there is delay in lodging of the FIR in the backdrop of the case and counter case, let the above named appellant, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, be enlarged on bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, SC/ST Act, East Champaran, Motihari in connection with Kalyanpur P.S. Case No. 130 of 2023, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

8. Accordingly, the impugned order is set aside and the appeal is allowed.

(Soni Shrivastava, J)

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