

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1092 of 2024

Arising Out of PS. Case No.-55 Year-2023 Thana- SC/ST District- Kaimur (Bhabua)

1. Shashibhushan Chaubey @ Dadan Chaubey Son Of Late Shivsahay Chaubey Resident Of Village - Fakarabad, P.S. - Kudra, District - Kaimur At Bhabua
2. Saroj Devi Wife Of Shashibhushan Chaubey @ Dadan Chaubey Resident Of Village - Fakarabad, P.S. - Kudra, District - Kaimur At Bhabua
3. Rishad Chaubey @ Rishabh Kumar Chaubey Son Of Shashibhushan Chaubey @ Dadan Chaubey Resident Of Village - Fakarabad, P.S. - Kudra, District - Kaimur At Bhabua

... .. Appellant/s

Versus

1. The State Of Bihar
2. Jiut Paswa Son Of Ramnath Paswan Resident Of Village - Fakarabad, P.S. - Kudra, District - Kaimur At Bhabua

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Tribhuwan Narayan, Advocate
For the Respondent/s : Mr. Binay Krishna, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

4 04-11-2025 Heard learned counsel for the appellants and learned
Spl. P.P. for the State.

2. This is an appeal under Section 14-A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as the “SC/ST Act”) against the refusal of prayer for anticipatory bail vide order dated 13.02.2024 in A.B.P. No. 42 of 2024 passed by the learned 1st Additional District & Sessions Judge-cum-Special Judge S.C./S.T. (POA) Act, Kaimur at Bhabhua in connection



with Kaimur (Bhabhua) SC/ST P.S. Case No. 55 of 2023 registered for the offences punishable under Sections 341, 323, 307, 504 & 506/34 of the Indian Penal Code as well as Sections 3(1)(r)(s) and 3(2)(v) of the SC/ST Act.

3. The case of the prosecution in short is that the respondent was going to purchase some articles from shop and at that time his co-villager, petitioner no.1 and his wife and his sons started abusing him with caste name. It is further alleged that petitioner no.1, Shashibhushan Chaubey assaulted with iron rod on the head of the son of the respondent due to which he received head injuries and started bleeding.

4. Learned counsel for the appellants submits that a scuffle took between the children at the instance of playing cricket and appellant nos. 1 and 2 have been framed in this case being the parents of the appellant no.3. It has also been submitted that appellant no.1 is a School teacher and on the date of the occurrence he has attended the School which is apparent from Annexure-P/3. The occurrence is of 05:00 P.M. whereas the appellant no.1 was in the School by 04:30 P.M. It has also been submitted that the occurrence is of District Bhabhua wheres the School where the appellant no.1 is a teacher is situated at Rohtas. It has also been submitted that the main



thrust of allegation is against this appellant no.1. It has also been submitted that from perusal of the injury report it is also clear that the victim of this case has received only one injury, i.e. lacerated wound and CT head shows normal. Nature of injury is simple caused by hard and blunt substance.

5. Learned Spl. P.P. for the State opposes the appeal stating that prima-facie case has been made out by the prosecution.

6. From the perusal of the FIR it is clear that the main thrust of allegation is against appellant no.1 and regarding appellant no.1 it has been submitted that he was on the date of the occurrence at School and it is not possible for him to arrive at the place of occurrence as the School and the place of occurrence are distant place.

7. In view of the submissions made by the learned counsel for the appellants, the order dated 13.02.2024 in A.B.P. No. 42 of 2024 passed by the learned 1st Additional District & Sessions Judge-cum-Special Judge S.C./S.T. (POA) Act, Kaimur at Bhabhua in connection with Kaimur (Bhabhua) SC/ST P.S. Case No. 55 of 2023 is hereby set aside and the appellants above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be



released on anticipatory 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 below where the case is pending/successor court in connection with Kaimur (Bhabhua) SC/ST P.S. Case No. 55 of 2023 subject to the conditions as laid down under Section 482 (2) of the BNSS.

8. Accordingly the appeal stands allowed.

(Ashok Kumar Pandey, J)

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