

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1134 of 2025

Arising Out of PS. Case No.-287 Year-2024 Thana- UDWANTNAGAR District- Bhojpur

Chandan Choudhary @ Chandan Kumar Choudhary Son of Late Ramayan Choudhary Resident of Village- Keshopur, Bakri, P.O. and P.S. - Udwantnagar, District- Bhojpur, Bihar

... .. Appellant/s

Versus

1. The State of Bihar
2. Nitish Kumar Son of Late Sita Ram Rajak Resident of Village- Keshopur, Bakri, P.O. and P.S. - Udwantnagar, District- Bhojpur, Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Umesh Kumar, Adv. Mr. Abhisek, Adv.
For the Respondent/s	:	Mr. Sadanand Paswan, Spl.P.P.
For the Informant/s	:	Mr. Parmatma Singh, Adv.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

3 10-07-2025 Heard learned counsel for the appellant and learned counsel for the informant as well as 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 against the refusal of prayer for anticipatory bail vide order dated 06.02.2025 passed by the learned District Additional Sessions Judge 1st cum Exclusive Special Judge, SC/ST (POA) Act, Bhojpur at Ara in A.B.P. No. 145 of 2025 arising out of Udwantnagar P.S. Case No. 287 of 2024 dated 04.07.2024 registered for the offence/s punishable u/ss 191(2),



191(3), 190, 126(2), 115(2), 109(1) and 103(2) of the BNS, Sections 3(1)(r)(s), 3(2)(v) of the SC/ST (POA) Act and Section 27 of the Arms Act.

3. As per the prosecution case, when the informant was sitting in the orchard of the Harijan community building along with his brothers Virantan Ram, Vikash Ram, his cousin Anil Kumar, Sohan Ram and the other co-villagers. It is further alleged that the appellant and other co-accused persons were already there and surrounded all of them and started firing, meanwhile, the co-accused Mala Devi exhorted the accused persons to kill the informant by calling his caste name thereafter, all the accused persons assaulted the informant and his brother Vikash Kumar with lathi, danda, iron rod and pistol and the co-accused Gopal Chaudhari assaulted Vikash with pistol on his head and he also assaulted him on his left elbow with rod and on the left hand and other parts of the body to the informant. In the meantime, the appellant and the other co-accused persons started firing indiscriminately on the elder brother of the informant, namely, Birantan Ram causing bullet injuries to him and he died on the spot. It is further alleged that the accused persons were pressurizing to compromise the earlier case, accordingly the FIR was registered



4. Learned counsel for the appellant has submitted that the appellant has falsely been implicated in this case due to ulterior motive. Learned counsel has further submitted that the caste name was not disclosed by anyone at the time of the alleged occurrence. As per FIR, no member of public was present at the relevant point of time of the alleged incident hence no case is made out under section of the SC/ST Act. There is general and omnibus allegation against the appellant. The appellant has one criminal antecedent as stated in para 3 of the bail petition. Earlier the regular bail petition of the co-accused, Harendra Choudhary has been rejected by this Court vide order dated 19.06.2025 passed in Cr. Appeal (S.J.) No. 4523 of 2024.

5. Learned counsel for the informant as well as learned Spl.P.P. for the State has vehemently opposed the anticipatory bail petition of the appellant and submitted that as per the post-mortem report, total five bullets injuries were found on the body of the deceased. It is further submitted that the specific allegation against the appellant is of threatening of committing murder.

6. In view of the aforesaid facts and circumstances of the case, the impugned order dated 06.02.2025 passed by the



learned District Additional Sessions Judge 1st cum Exclusive Special Judge, SC/ST (POA) Act, Bhojpur at Ara in A.B.P. No. 145 of 2025 arising out of Udwantnagar P.S. Case No. 287 of 2024, is set aside against the appellant. The criminal appeal is allowed.

7. Accordingly, the above named appellant, in the event of his arrest or surrender before the learned court below within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail-bond of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of the learned District Additional Sessions Judge 1st cum Exclusive Special Judge, SC/ST (POA) Act, Bhojpur at Ara in A.B.P. No. 145 of 2025 arising out of Udwantnagar P.S. Case No. 287 of 2024, subject to conditions as laid down under section 482(2) of the B.N.S.S.

(Chandra Prakash Singh, J)

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