

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1236 of 2025**

Arising Out of PS. Case No.-278 Year-2023 Thana- OBRA District- Aurangabad

Ankit Kumar S/O Sushil Choudhri @ Sushil Choudhary @ Sunil Chaudhary
@ Sunil Choudhary Village- Adhaura, P.S.- Obra, District- Aurangabad

... .. Appellant/s

Versus

1. The State of Bihar
2. Upendra Ram S/O Not Known R/O Vill.- Pachrukhiya, P.S.- Obra, Dist.- Aurangabad, At Present Posted as Chaukidar 3/3 Obra P.S., Aurangabad.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Santosh Kumar Pandey, Advocate
For the Respondent/s	:	Mrs. Usha Kumari 1, SPP
For the Informant	:	None

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

4 02-07-2025 Heard learned counsel for the appellant, learned Special Public Prosecutor for the State and perused the case diary. Despite valid service of notice, none appears on behalf of the informant.

2. The instant appeal has been filed by the appellant against the order dated 27.02.2025 passed by learned Special Judge (SC/ST)-cum-1st District and Additional Sessions Judge, Aurangabad whereby the prayer for bail of the appellant in connection with Obra P.S. Case No. 278 of 2023 under Sections 341, 323, 504, 506, 279, 337, 338, 353, 34 of the Indian Penal Code, read with Sections 3(1)(r)(s)/2(va) of SC/ST Act was rejected.



3. Prosecution case, in short, is that, the appellant is indulged in the forbidden act by rashly and negligently driving thereby deliberately dashed the tractor to the police personnel who were doing their duty on the place of occurrence thereby causing hurt to the police officials sustaining injuries to one Chaukidar, namely, Dinesh Yadav and causing damage to the public property as such and became the part of the whole exercise in which the tractor was taken away by the owner of that tractor which was admittedly driven by him.

4. Learned counsel for the appellant submits that the appellant is innocent and has falsely been implicated in the present case. Charge-sheet has been submitted in this case. Learned counsel for the appellant also submits that no specific allegation has been attributed against the appellant, rather specific attribution is against co-accused, namely, Karu Singh, who is the owner of that tractor. It is next submitted that the injury sustained by Dinesh Yadav is found to be simple in nature. Learned counsel for the appellant further submits that the appellant has not taken the caste name of the informant in public view. Hence, no offence under the provisions of SC/ST Act is made out against him. The appellant has no intention to disgrace the image of the informant in public view. The



appellant is in custody since 13.01.2025 and has got no criminal antecedent.

5. Learned Special P.P. for the State has vehemently opposed the prayer for grant of bail to the appellant.

6. Considering the aforesaid facts and circumstances of the case and the period of custody undergone by the appellant, this Court is inclined to allow this appeal. Accordingly, the appeal is allowed and order dated 27.02.2025 passed by learned Special Judge (SC/ST)-cum-1st District and Additional Sessions Judge, Aurangabad is hereby set aside.

7. Let the appellant be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Obra P.S. Case No. 278 of 2023.

(Rudra Prakash Mishra, J)

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