

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1364 of 2025

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

Karu Singh @ Amarjeet Kumar S/o Sri Anirudh Singh R/o vill - Dihra, P.s.-
Obra, Distt.- Aurangabad

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Upendra Ram S/o Ram Prasad Ram Chaukidar 3/3 in obra Police Station,
R/o vill - Pachrukha, P.S.- Obra, Distt.- Aurangabad

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Ajay Thakur, Adv Mr. Ritwik Thakur, Adv. Mr. Vaishnavi Singh
For the Respondent/s	:	Mr. Usha Kumari 1

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

4 10-07-2025 Heard learned counsel for the appellant 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, 1989 against the rejection of prayer for bail vide order dated 27.02.2025 passed by the learned Special Judge, SC/ST (POA) Act, cum 1st District and Additional Sessions Judge, Aurangabad in connection Obra P.S. Case No. 278 of 2023 dated 28.06.2023 registered for the offence/s punishable u/ss 341, 323, 504, 506, 279, 337, 338, 353 read with section 34 of the Indian Penal Code and 3(1)(r)(s) / 3(2) (va) of the SC/ST (POA) Act.



3. As per the prosecution case, on 27.06.2023, at 10.15 PM, while the informant along with other Chowkidar, were on duty, a Mahindra Tractor with sand loaded trailer rammed into the barricade and tried to flee. Thereafter, the tractor was chased on motorcycle which hit Chowkidar Dinesh Yadav who sustained injuries, but somehow the tractor was stopped. It has further been alleged that the owner of the tractor, who is the petitioner, abused the informant by calling his caste name, threatened them and freed the tractor from the police custody.

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 SC/ST Act. The petitioner is the owner of the said vehicle. The appellant has two criminal antecedents as stated in para 3 of the bail petition. The appellant is in custody since 27.01.2025.

5. Learned for the State has vehemently opposed the bail petition of the appellant.



6. In view of the aforesaid facts and circumstances of the case as well as finding substance in the contention of the learned counsel for the appellant, the impugned order dated 27.02.2025 passed by the learned Special Judge, SC/ST (POA) Act, cum 1st District and Additional Sessions Judge, Aurangabad in connection Obra P.S. Case No. 278 of 2023, is set aside against the appellant. The criminal appeal is allowed.

7. Accordingly, the above named appellant, is directed to be enlarged on 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 Special Judge, SC/ST (POA) Act, cum 1st District and Additional Sessions Judge, Aurangabad in connection Obra P.S. Case No. 278 of 2023, with the condition/s:-

(i) The appellant is directed to remain physically present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bonds of the appellants are liable to be cancelled.

(Chandra Prakash Singh, J)

guddukr/-

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