

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1425 of 2025

Arising Out of PS. Case No.-239 Year-2024 Thana- ASHTHAWAN District- Nalanda

Jairam Chauhan @ Balram Prasad @ Balaram Chauhan Son of Late Ram Swaroop Chauhan @ Ramswarup Prasad Resident of village - Gannichak, P.S.- Asthawan, District - Nalanda

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Tetari Kumari Wife of Umesh Paswan Resident of village - Nigampura, P.S.- Asthawan, District - Nalanda

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Arjun Prasad, Adv.
For the Respondent/s : Mr.Binay Krishna, Spl.PP

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

5 10-07-2025 Heard learned counsel for the appellant and learned Spl. P.P. for the State. However, learned counsel for the respondent no. 2 is not present despite notice is validly served upon the respondent no. 2.

2. This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter in short referred to as the SC/ST Act) against the refusal of prayer of bail *vide* order dated 24.03.2025 passed by the learned Additional Sessions Judge- VIth-cum- Special Judge, SC/ST Act, Nalanda in connection with Asthawan P.S. Case No. 239 of 2024 dated 13.10.2024 registered for the offence/s punishable u/s 191(2), 190, 126(2),



115(2), 352, 117(2), 109 of B.N.S. and Section 27 of the Arms Act and Section 3(1)(r)(s) of SC/ST Act.

3. As per the prosecution case, the appellant and the co-accused persons are alleged to have assaulted the informant's son with iron rod and the co-accused Dayanand Chauhan opened fire and abused the informant's son by calling his caste name.

4. Learned counsel for the appellant has submitted that the appellant has falsely been implicated in this case due to ulterior motive. There is case and counter-case between the parties. There is general and omnibus allegation against the appellant. The specific allegation of firing is against the co-accused Dayanand Chauhan. There is no allegation of abusing against the appellant and hence, no offence under the provisions of SC/ST Act is made out against the appellants. The co-accused person has already been granted bail by this court vide order dated 15.05.2025 passed in Cr. Appeal (SJ) No. 642/2025. The appellant has two criminal antecedents as stated at para 3 of the bail petition. The appellant is in custody since 20.03.2025.

5. Learned Spl. P.P. for the State has vehemently opposed the prayer of bail of the appellants.

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 24.03.2025 passed by the learned Additional Sessions Judge-VIth-cum- Special Judge, SC/ST Act, Nalanda in connection with Asthawan P.S. Case No. 239 of 2024, 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 Additional Sessions Judge-VIth-cum- Special Judge, SC/ST Act, Nalanda in connection with Asthawan P.S. Case No. 239 of 2024 with the condition :-

(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 bond of the appellant is liable to be cancelled.

(Chandra Prakash Singh, J)

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