

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1952 of 2024

Arising Out of PS. Case No.-33 Year-2024 Thana- KHIJARSARAI District- Gaya

Chanarik Chauhan @ Chandrika Chauhan @ Chanirak Chauhan S/o
Ramsevak Chauhan @ Rampravesh Prasad Chauhan R/o vill - Dariyapur, P.s.
- Khizersarai, Distt. - Gaya

... .. Appellant/s

Versus

1. The State of Bihar
2. Guddu Kumar S/o Dularchand Chaudhary R/o vill - Tetuya, P.S. - Atri, Distt.
- Gaya

... .. Respondent/s

Appearance :

For the Appellant	:	Mr. Vinod Kumar, Advocate
For the State	:	Mr. Sadanand Paswan, Spl.PP
For Respondent No. 2	:	N o n e

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 13-11-2025 Heard learned counsel appearing for the appellant and
learned Spl.P.P. appearing on behalf of the State.

2. Despite valid service of notice, no one appears on
on behalf of the informant/Respondent No. 2.

3. This appeal has been filed for setting aside order
dated 16.03.2024 passed in a case registered for the offence
punishable under Sections 341, 308 and 325 of the Indian Penal
Code and Sections 3(i)(r)(s) and 3(2)(va) of the Scheduled
Castes and Scheduled Tribes (Prevention of Atrocities) Act,
whereby the prayer for anticipatory bail of the appellant has
been rejected.



4. As prosecution case, it is alleged that this appellant dashed the informant with his motorcycle and thereafter, assaulted him with iron rod.

5. It is submitted by learned counsel appearing on behalf of the appellant that appellant is quite innocent and has committed no offence. As a matter of fact, informant is elected Mukhiyan of the Panchayat and due to political rivalry, this false and concocted case has been lodged. As per prosecution case, there is no allegation that this appellant abused the informant by caste name and as such, no case under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act is made out against the appellant.

6. On the other hand, learned Spl.P.P. appearing on behalf of the State has vehemently opposed this appeal.

7. Considering the facts and circumstances of the case, this appeal is allowed and the impugned order dated 16.03.2024 passed by the learned Exclusive Special Judge, SC/ST Spl. Court, Gaya in connection with A.B.P. No. 82 of 2024 arising out of Khizersarai P.S. Case No. 33 of 2024 is hereby set aside with respect to this appellant only.

8. Accordingly, let the appellant, named above, in the



event of arrest/surrender within a period of eight weeks from the date of receipt/production of a copy of this order, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, SC/ST Court, Gaya in connection with Khizersarai P.S. Case No. 33 of 2024.

(Prabhat Kumar Singh, J)

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