

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2080 of 2025

Arising Out of PS. Case No.-336 Year-2024 Thana- CHOUTARWA District- West
Champaran

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Chhotu Rao @ Manishek Rao @ Manishekh Rao Son of Mithilesh Rao
Resident of Vill- Babu Parsauni, P.S.- Chautarwa, Dist- West Champaran

... .. Appellant/s

Versus

1. The State of Bihar
2. Ajay Sah Gond son of Chhotelal Sah R/o Village- Mangalpur Rakhai, Ps-
Srinagar, Dist- West Champaran

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Sanjeev Kumar, Adv.
For the Respondent/s	:	Mr. Sadanand Paswan, SPP
For the Resp. No.2	:	Mr. Shyamal Prakash, Adv.

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

ORAL ORDER

4 21-08-2025 Heard learned counsel for the appellant, learned

Special Public Prosecutor for the State and learned counsel for

the informant. Perused the case diary.

2. The instant appeal has been filed by the appellant
against the order dated 22.04.2025 passed by learned District &
Additional Sessions Judge, 1st -cum- Special Judge (SC/ST),
Bettiah, West Champaran whereby the prayer for bail of the
appellant in connection with Chautarwa P.S. Case No. 336 of
2024 under Sections 126(2)/115(2)/352/351(1)/3(5) of the
Bhartiya Nyaya Sanhita, 2023 and Sections 3(1)(r)(s)/3(2)(va)
of SC/ST (PoA) Act was rejected.



3. As per prosecution case, the accusation against the accused persons inducing the appellant is of demanding *rangadari* from the Manager Ravi Ranjan Ojha who was carrying out work at Panchayat Bhawan. It is also alleged they also abused in the caste name as also assaulted the labourers causing injuries.

4. Learned counsel for the appellant submits that the appellant has falsely been implicated in the present case. Learned counsel for the appellant further submits that the matter between the parties has been compromised and a compromise petition has also been filed before the learned court below. He further submits that from perusal of the F.I.R. itself, it appears that the allegations do not constitute any offence under the provisions of SC/ST (PoA) Act. In the alleged occurrence, none has received any serious injury. Charge-sheet has been submitted in this case against the appellant and other accused persons. The appellant is in custody since 17.02.2025 and has 13 criminal antecedents.

5. Learned Special P.P. for the State and the informant have vehemently opposed the prayer for grant of bail to the appellant, stating that the offence alleged is serious in nature and the appellant bears altogether thirteen criminal antecedents.



6. Having heard learned counsel for the parties and considering the entire facts and circumstances of the case, the period of custody undergone by the appellant as also taking into account the materials available in the case diary, this Court is inclined to allow this appeal. Accordingly, the appeal is allowed and order dated 22.04.2025 passed by learned District & Additional Sessions Judge, 1st -cum- Special Judge (SC/ST), Bettiah, West Champaran is hereby set aside.

7. Let the appellant, abovenamed, be released on bail, ***after framing of charge, if not already framed***, 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 Chautarwa P.S. Case No. 336 of 2024, subject to the following conditions;

(i) One of the bailor(s) shall be the own/close family members of the appellant.

(ii) The appellant shall cooperate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.



(iii) If the appellant tampers with the evidence or the witnesses of the case by intimidating/pressurizing the witnesses, during the investigation or trial, in that case, prosecution will be at liberty to move for cancellation of bail of the appellant.

(Rudra Prakash Mishra, J)

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