

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2690 of 2025

Arising Out of PS. Case No.-26 Year-2024 Thana- SC/ST District- Sheikhpura

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1. Santosh Kumar @ Sapna Chouhan S/o Bhajan Chouhan @ Arvind Kumar R/o vill - Laxmipur, P.S.- Mehush, Distt.- Sheikhpura
 2. Arvind Kumar @ Bhajan Chouhan S/o Ramchandra Chouhan R/o vill - Laxmipur, P.S.- Mehush, Distt.- Sheikhpura
 3. Murari Kumar @ Murari Chouhan S/o Ramchandra Chouhan R/o vill - Laxmipur, P.S.- Mehush, Distt.- Sheikhpura

... .. Appellant/s

Versus

1. The State of Bihar
2. Usha Devi W/o Arjun Ram R/o vill - Laxmipur, P.S.- Mehush, Distt.- Sheikhpura

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Bipin Kumar
For the Respondent/s : Mr. Binay Krishna

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 04-11-2025 1. Heard learned counsel for the appellants and the learned Special P.P. Mr. Binay Krishna. No one appears on behalf of 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 referred to as the “SC/ST Act”) against the refusal of prayer for anticipatory bail vide order dated 16.06.2025 in A.B.P. No. 370 of 2025 passed by the learned District and Additional Sessions Judge-Ist-cum-Special Judge, SC/ST Act, Sheikhpura in connection with Sheikhpura



SC/ST P.S. Case No.26/2024, registered under Sections 341, 323, 447, 147, 149, 323, 354, 307, 504, 506, 34 of the Indian Penal Code & Section 27 of the Arms Act as well as Sections 3(1)(r)(s), 3(2)(va) of the SC/ST (POA) Act.

3. Learned counsel for the appellants after some argument seeks permission to withdraw the appeal with respect to appellant no.3, namely, Murari Kumar @ Murari Chouhan.

4. Permission is accorded.

5. Learned counsel for the appellant submits that the appellant no.1 and 2 are persons with clean antecedent and the informant alleges that she along with her family members were sitting at their door when seven accused persons including the appellants came and started abusing by taking caste name, on protest, accused fired at Vishal but missed, thereafter Guddu along with accused persons assaulted Vishal by butt of pistol causing injury on head, thereafter Guddu dashed the informant on the ground and tore her cloths, while Upendra held her hand inappropriately, thereafter Surendra and Murari snatched chain and ear-ring of the informant and assaulted by lathi, on account of which, she became unconscious and Bhajan, Upendra, Chote and Sapna took Rs.50,000/- when people gathered, the accused fled threatening.



6. Learned counsel for the appellants submits that appellants have been falsely implicated in the instant case by the informant. It is next submitted that from perusal of the allegation as alleged in the FIR, it would manifest that the entire occurrence took place at the house of the informant as such was not in public view, hence prima facie SC/ST Act is not attracted. It is also submitted that FIR does not even remotely suggest that the occurrence was witnessed by any independent witnesses. It is next submitted that no specific allegation is alleged against the appellants and they came to be implicated merely for the reason that they are related to Guddu against whom the thrust of the allegations are

7. Learned Special Public Prosecutor Mr. Binay Krishna opposes the prayer for anticipatory bail of the appellants.

8. Considering the submission of the learned counsel for the appellants, the order impugned is set aside. Let the appellants, above named, in the event of their arrest or surrender before the learned Court below within a period of six weeks from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs.5,000/- (rupees five thousand) with two sureties of the like amount each to the satisfaction of



the learned court below where the case is pending in connection with the aforesaid case, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

9. Accordingly, the impugned order is set aside and this appeal stands allowed.

(Satyavrat Verma, J)

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