

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3485 of 2024**

Arising Out of PS. Case No.-52 Year-2024 Thana- KARTAHA District- Vaishali

Rambabu Chaudhary SON OF Bahadur Chaudhary VILLAGE- GHATARO,
PS- KARTAHA, DIST- VAISHALI

... .. Appellant/s

Versus

- 1. The State of Bihar
- 2. GUNJAN KUMARI NA PRESENTLY WORKING AT S.H.O. KARTAHA
POLICE STATION, PS- KARTAHA, DIST- VAISHALI

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Mritunjay Kumar
For the Respondent/s : Mr. Sadanand Paswan
For the O.P. No. 02 : Mr. Shashi Bhushan Pandey

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

3 12-11-2025 Heard the parties.

2. This appeal is preferred against the order dated 07.06.2024 passed by the learned Exclusive Spl. Judge, SC/ST Act, Vaishali at Hajipur in A.B.P. No. 1306 of 2024 arising out of Kartaha P.S. Case No. 52 of 2024 registered for the offence under Sections 304(A) of the Indian Penal Code, under Sections 7, 9 of the Manual Scavengers and Their Rehabilitation Act, 2013 and under Section 3(i)(r)(s)/3(2)(v-a) of the SC/ST Act by which the prayer of the appellant for grant of anticipatory bail has been rejected.

3. As per the prosecution case, three persons, while cleaning the septic tank died due to inhaling toxic gas.



4. Learned counsel for the appellant submits that the appellant has falsely been implicated in this case and no offence under the provisions of SC/ST Act is made out. He further submits that for the death of the deceased persons, a U.D. Case has been registered vide U.D. Case No. 4 of 2016 and the police has exonerated the appellant and submitted final form but subsequently the fresh case has been lodged against the appellant under the provisions of Indian Penal Code, the Manual Scavengers and Their Rehabilitation Act, 2013 and under SC/ST Act.

5. Learned counsel for the State and learned counsel for the informant have opposed the prayer of the appellant.

6. From the reading of the entire FIR it does not appear that offence has been committed against Indian Penal Code, the Manual Scavengers and Their Rehabilitation Act, 2013, which is bailable also and under SC/ST Act and it is a case of accidental death.

7. In these circumstances, this application for grant of anticipatory bail is held to be maintainable.

8. Considering the facts of the case and the rival submissions of the parties, this appeal is allowed and accordingly, the order dated 07.06.2024 passed by the learned



Exclusive Spl. Judge, SC/ST Act, Vaishali at Hajipur in A.B.P. No. 1306 of 2024 arising out of Kartaha P.S. Case No. 52 of 2024, is hereby set aside.

9. Let the appellant, in the event of his arrest or surrender within four weeks from today, be released on bail on furnishing bail bonds of Rs. 10,000/-(Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Exclusive Spl. Judge, SC/ST Act, Vaishali at Hajipur/concerned Court below in connection with Kartaha P.S. Case No. 52 of 2024, subject to the conditions laid down under Section 438(2) of the Code of Criminal Procedure/482(2) of the BNSS.

(Sandeep Kumar, J)

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