

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3563 of 2024

Arising Out of PS. Case No.-20 Year-2020 Thana- SC/ST District- Supaul

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1. CHANDRA BHUSHAN CHAUDHARY @ BHUSHAN CHAUDHARY SON OF LATE SHREE PRASAD CHAUDHARY RESIDENT OF VILLAGE - SAKHUA WARD NO. 4, P.S. - PIPRA, DISTRICT - SUPAUL
 2. DINESH CHAUDHARY @ DINESH KUMAR CHAUDHARY SON OF LATE SHREE PRASAD CHAUDHARY RESIDENT OF VILLAGE - SAKHUA WARD NO. 4, P.S. - PIPRA, DISTRICT - SUPAUL
 3. SHIBU CHAUDHARY SON OF LATE BACHCHA CHAUDHARY RESIDENT OF VILLAGE - SAKHUA WARD NO. 4, P.S. - PIPRA, DISTRICT - SUPAUL
 4. KAVI CHANDRA CHAUDHARY @ KABINDRA CHAUDHARY SON OF SHIBU CHAUDHARY RESIDENT OF VILLAGE - SAKHUA WARD NO. 4, P.S. - PIPRA, DISTRICT - SUPAUL
 5. GOPAL CHAUDHARY SON OF LATE JAWARI CHOUDHARY RESIDENT OF VILLAGE - SAKHUA WARD NO. 4, P.S. - PIPRA, DISTRICT - SUPAUL

... .. Appellant/s

Versus

1. THE STATE OF BIHAR Bihar
2. THAKANI DEVI WIFE OF SIYARAM RAM RESIDENT OF VILLAGE - SAKHUA WARD NO. 4, P.S. - PIPRA, DISTRICT - SUPAUL

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Kamal Kishore Singh
For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 07-11-2025 Heard learned counsel for the appellants, learned
Spl. P.P. for the State.

2. This appeal is preferred against the order dated 27.06.2024 passed by the learned Additional Sessions Judge-I-cum-Special Judge (SC/ST), Supaul in ABA No. 673 of 2024 arising out of Supaul SC/ST P.S. Case No. 20 of 2020 registered for the offence under Sections 147, 149, 323, 427, 354(B), 379, 504, 506 of the Indian Penal Code and under Section 3(i)(r)(s)/3(2)(va) of SC/ST Act.



3. As per the prosecution case, the accused persons, because of dispute over rasta, are said to have abused the informant by taking caste related abuses.

4. Learned counsel for the appellants submits that the appellants have falsely been implicated in this case and no offence under the provisions of SC/ST Act is made out in this case as the main thrust of allegation is because of dispute over rasta and not because of prosecution side belonging to the SC/ST community, therefore the application of the anticipatory bail is maintainable. He further relies upon the Judgment of the Hon'ble Supreme Court in the case of ***Kiran Vs. Rajkumar Jivraj Jain and Anr.*** reported in ***2025 INSC 1067*** and in the case of ***Hitesh Verma Vs. State of Uttarakhand*** reported in ***(2020) 10 SCC 710***.

5. Learned counsel for the State has opposed the prayer of the appellants.

6. From the reading of the entire complaint, it does not appear that offence has been committed against the informant on the ground that he is a member of SC/ST community.

7. In these circumstances, considering the law laid down by the Hon'ble Supreme Court in the case of ***Kiran Vs.***



Rajkumar Jivraj Jain and Anr. (Supra) and in the case of *Hitesh Verma Vs. State of Uttarakhand (Supra)*, this application for grant of anticipatory bail is held to be maintainable.

8. Considering the rival submissions of the parties and the facts of the case, this appeal is allowed and accordingly, the order dated 27.06.2024 passed by the learned Additional Sessions Judge-I-cum-Special Judge (SC/ST), Supaul in ABA No. 673 of 2024 arising out of Supaul SC/ST P.S. Case No. 20 of 2020, is hereby set aside.

9. Let the appellants, in the event of their 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 Additional Sessions Judge-I-cum-Special Judge (SC/ST), Supaul/concerned Court below in connection with Supaul SC/ST P.S. Case No. 20 of 2020, 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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