

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4186 of 2024

Arising Out of PS. Case No.-44 Year-2024 Thana- NIMCHAKBATHANI District- Gaya

Nitish Kumar S/O Suchit Chaudhary @ Nanku Chaudhary R/O Village-
Sahora Pathari, P.S- Atri, Distt.- Gaya.

... .. Appellant/s

Versus

1. The State of Bihar
2. Vikash Kumar S/O Saryu Chaudhary R/O Village- Dharmuchak, P.S-
Nimchak Bathani, Distt.- Gaya.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Arvind Kumar Singh, Advocate
For the Respondent/s	:	Mr.Sadanand Paswan, Spl. PP
For O.P. No.2	:	Ms. Swati Parmar, Advocate

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 12-11-2025 Heard learned counsel for the appellant; learned
Spl. PP for the State and learned counsel for O.P. No.2.

2. The appellant has preferred the appeal under Section 14(A)(2) of the SC/ST (POA) Act against the rejection of prayer for pre-arrest bail vide order dated 30.07.2024 passed by learned Spl. Judge, SC/ST Gaya in connection with Nimchak Bathani P.S. Case No. 44 of 2024 registered under Sections 341, 323, 307, 379, 504 and 506/34 of the Indian Penal Code and Sections 3(i)(r)(s) of the SC/ST (POA) Act.

3. As per the allegation made in the F.I.R., while the informant along with his friend was going to Tetua Mangla Hat on motorcycle, the accused persons named therein including the



appellant stopped them and thereafter one co-accused Rahul Yadav, on the strength of arms, abused, assaulted and snatched the gold locket of the informant, while the other co-accused snatched Rs.20,000/- from him. Allegation against the petitioner is of snatching a silver chain from the neck of the friend of the informant and of snatching key of motorcycle.

4. Learned counsel appearing on behalf of the appellant submitted that appellant is innocent and has falsely been implicated in the present case. He further submitted that the appellant also belongs to the same caste. He further submitted that specific allegation of abusing and assaulting the informant is against co-accused, Rahul Yadav. Appellant has clean antecedent.

5. Learned counsel appearing on behalf of the informant and Spl. PP for the State have opposed the prayer for grant of bail to the appellant.

6. Having heard the rival submissions made on behalf of the parties, as well as, having perused the FIR and the impugned order, I find that specific allegation of abusing and assaulting the informant is against co-accused Rahul Yadav and allegation against appellant is of snatching the key of the motorcycle and silver chain of the friend of the informant. In



absence of any material evidence in this regard, the appellant, above named, who has clean antecedent, is directed to be released on bail, in the event of his arrest or surrender before the learned District Court within a period of four weeks, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned District Court where the case is pending in connection with Bathani P.S. Case No. 44 of 2024, subject to the condition **that at the time of furnishing of bail bond, the petitioner will provide his caste certificate, showing that he belongs to scheduled caste, as claimed by him** and with further condition as laid down under Section 438 (2) of the Cr.P.C / 482 (2) of the BNSS.

7. Accordingly, the impugned order is set aside and appeal is disposed of.

(Purnendu Singh, J)

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