

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4356 of 2024

Arising Out of PS. Case No.-287 Year-2024 Thana- UDWANTNAGAR District- Bhojpur

Shiv Bachan Choudhary @ Shiv Bachan Chaudhary Son of Late Ram Asharya Chaudhary Resident of Keshopur Bakri, PS- Udwantnagar, Distt.- Bhojpur

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Nitesh Kumar Son of Late Sita Ram Rajak Resident of Keshopur Bakri, PS- Udwantnagar, Distt.- Bhojpur

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Manoj Kumar
For the O.P. No. 2	:	Mr. Parmatma Singh
For the Respondent/s	:	Mr. Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

3 06-02-2025 Heard learned counsel for the appellant and learned counsel for the respondent no. 2 as well as learned Special Public Prosecutor for the State.

2. This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 against the rejection of prayer for bail vide order dated 02.09.2024 passed by the learned Additional sessions Judge 1st cum Special Judge, SC/ST (POA) Act, Bhojpur at Ara in B.P. No. 3570 of 2024 arising out of Udwant Nagar P.S. Case No. 287 of 2024 dated 04.07.2024 registered for the offence/s punishable u/ss 191(2), 191(3), 190, 126(2),



115(2), 109(1), 103(2) of the BNS, sections 3(i)(r)(s)(d), 3(2)(v) of the SC/ST (POA) Act and section 27 of the Arms Act.

3. As per the prosecution case, when the informant was sitting in the orchard of the Harijan community building along with his brothers Virantan Ram, Vikash Ram, his cousin Anil Kumar, Sohan Ram and the other co-villagers. It is further alleged that the petitioner and other co-accused persons were already there and surrounded all of them and started firing, meanwhile, the co-accused Mala Devi exhorted the accused persons to kill the informant by calling his caste name thereafter, all the accused persons assaulted the informant and his brother Vikash Kumar with lathi, danda, iron rod and pistol and the co-accused Gopal Chaudhari assaulted Vikash with pistol on his head and he also assaulted him on his left elbow with rod and on the left hand and other parts of the body to the informant. In the mean time, the petitioner and the other co-accused started firing indiscriminately on the elder brother of the informant, namely, Birantan Ram causing bullet injuries to him and he died on the spot. It is further alleged that the accused persons were pressurizing to compromise the earlier case, accordingly the FIR was registered

4. Learned counsel for the appellant has submitted



that the appellant has falsely been implicated in this case due to ulterior motive. Learned counsel has further submitted that the caste name was not disclosed by anyone at the time of the alleged occurrence. As per FIR, no member of public was present at the relevant point of time of the alleged incident hence no case is made out under section of the SC/ST Act. There is general and omnibus allegation against the appellant. The appellant has one criminal antecedent as stated in para 3 of the bail petition. The appellant is in custody since 21.08.2024.

5. Learned counsel for the respondent no. 2 as well as learned Spl. P.P. for the State has vehemently opposed the bail petition of the appellant by submitting that there is specific allegation against the appellant and the co-accused persons of firing on the informant's elder brother due to that he died on the spot. It is further submitted that as per the postmortem report, total five bullets injuries were found on the body of the deceased. As per para 119 of the case, all the eye-witnesses who were present on the place of alleged occurrence have supported the prosecution.

6. Considering the aforesaid facts and circumstances of the case as well as the specific and heinous nature of the allegation against the appellant, I am not inclined to set aside the



impugned order dated 02.09.2024 passed by the learned Additional sessions Judge 1st cum Special Judge, SC/ST (POA) Act, Bhojpur at Ara in B.P. No. 3570 of 2024 arising out of Udwant Nagar P.S. Case No. 287 of 2024 and accordingly, the prayer for bail of the appellant is rejected.

7. Learned trial court is directed to expedite the trial and conclude the same at the earliest.

(Chandra Prakash Singh, J)

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