

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4523 of 2024

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

Harendra Choudhary Son of Ramayan Chaudhary R/O- Keshopur Bakri, P.S.-
Udwanthnagar, Dist.- Bhojpur

... .. Appellant/s

Versus

1. The State of Bihar
2. Nitesh Kumar Son of Late Sita Ram Rajak R/O- Keshopur Bakri, P.S.-
Udwanthnagar, Dist.- Bhojpur

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Manoj Kumar, Adv.
For the Respondent/s	:	Mr. Binay Krishna, Spl.P.P.
For the Informant/s	:	Mr. Parmatma Singh, Adv.
		Mr. Ashok Kumar Singh, Adv.

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

6 19-06-2025 Heard learned counsel for the appellant, learned

counsel for the informant and 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 06.09.2024 passed by the learned Additional
sessions Judge 1st cum Special Judge, SC/ST (POA) Act,
Bhojpur at Ara in B.P. No. 3664 of 2024 arising out of Udwanth
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), 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 appellant 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 meantime, the appellant and the other co-accused persons 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 two criminal antecedents as stated in para 3 of the bail petition. The appellant is in custody since 28.08.2024.

5. Learned counsel for the informant and learned Spl.P.P. for the State have 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 post-mortem 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. Earlier the regular bail application of the co-accused, Shiv Bachan Choudhary @ Shiv Bachan Chaudhary has been rejected by this Court vide order dated 06.02.2025 passed in Cr. Appeal (S.J.) No. 4356 of 2024.



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 06.09.2024 passed by the learned Additional sessions Judge 1st cum Special Judge, SC/ST (POA) Act, Bhojpur at Ara in B.P. No. 3664 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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