

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5473 of 2024

Arising Out of PS. Case No.-471 Year-2023 Thana- KARAHGAR District- Rohtas

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1. Pappu Chaudhary S/O Lallu Chaudhary Resident of village and P.O. and P.S. - Kargahar, District - Rohtas.
 2. Gobind Chaudhary Son of Lal Vachan Chaudhary @ Lal Bachan Choudhary Resident of village and P.O. and P.S. - Kargahar, District - Rohtas.
 3. Ajay Chaudhary Son of Lalu Chaudhary Resident of village and P.O. and P.S. - Kargahar, District - Rohtas.
 4. Basant Chaudhary Son of Lakshman Chaudhary Resident of village and P.O. and P.S. - Kargahar, District - Rohtas.
 5. Umesh Chaudhary Son of Kameshwar Chaudhary Resident of village and P.O. and P.S. - Kargahar, District - Rohtas.

... .. Appellant/s

Versus

1. The State of Bihar
2. Urmila Devi wife of Dinesh Ram Resident of village , P.O. and P.S. - Kargahar, District - Rohtas.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Ashwani Kumar Tiwary, Adv.
For the Respondent/s	:	Mr. Binay Krishna, Spl.P.P.
For the Informant/s	:	Mr. Hemant Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

4 30-10-2025 Heard learned counsel for the appellants 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 against the refusal of prayer for anticipatory bail vide order dated 08.02.2024 passed by the learned A.D.J.-XVII-cum-Exclusive Special Judge SC/ST, Rohtas at Sasaram in



connection with Kargahar P.S. Case No. 471 of 2023 (arising out of Kargahar P.S. Case No. 471 of 2023) dated 04.12.2023 registered for the offences punishable u/ss 147, 148, 149, 323, 326A, 342, 354B, 448, 380, 302, 504 and 506 of the Indian Penal Code and Section 3(1)(r)(s)/3(2)(v) of SC/ST Act.

3. As per the prosecution case, the appellants and the co-accused persons armed with rifle came to the door of the informant and started abusing the informant, her husband and children by calling their caste name. The co-accused Jitendra Choudhary and Pawan Choudhary armed with country made pistol started assaulting the informant and her family members due to which they sustained injuries. It is further alleged that the co-accused Jitendra Choudhary sprinkled the acid on the face of the informant's husband due to which his face got burnt. The appellants and the co-accused persons took away the box from the house in which Rs. 5,000/- was kept.

4. Learned counsel for the appellants has submitted that the appellants are innocent and have falsely been implicated in this case due to ulterior motive. As per the FIR, no member of the public was present at the relevant point of time of the incident. There is specific allegation against the co-accused *Jitendra Kumar* to sprinkle acid on the face of the informant's



husband. There is general and omnibus allegation against the appellants. Learned counsel has further submitted that no particular caste name has been called by the appellants hence no case is made out under section SC/ST Act. The appellants have no concern with the alleged occurrence. The appellant nos. 1 and 3 have two criminal antecedents, the appellant nos. 2 and 4 have one criminal antecedent and the appellant no.5 has three criminal antecedents as stated at para 3 of the bail petition. The co-accused person has already been granted regular bail by this Court vide order dated 11.07.2024 passed in Cr. Appeal (S.J.) 1796 of 2024.

5. Learned counsel for the informant as well as learned Spl.P.P. for the State has vehemently opposed the anticipatory bail petition of the appellants.

6. In view of the aforesaid facts and circumstances of the case, the impugned order dated 08.02.2024 passed by the learned A.D.J.-XVII-cum-Exclusive Special Judge SC/ST, Rohtas at Sasaram in connection with Kargahar P.S. Case No. 471 of 2023 (arising out of Kargahar P.S. Case No. 471 of 2023), is set aside against the appellants. The criminal appeal is allowed.

7. Accordingly, the above named appellants, in the



event of their arrest or surrender before the learned court below within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail-bond of Rs. 20,000/- (Rupees twenty thousand) each with two sureties of the like amount each to the satisfaction of the learned A.D.J.-XVII-cum-Exclusive Special Judge SC/ST, Rohtas at Sasaram in connection with Kargahar P.S. Case No. 471 of 2023 (arising out of Kargahar P.S. Case No. 471 of 2023), subject to conditions as laid down under section 438(2) of the Code of Criminal Procedure, with further condition:-

(i) The appellants are directed to remain physically present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bonds of the appellants are liable to be cancelled.

(Chandra Prakash Singh, J)

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