

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5509 of 2024

Arising Out of PS. Case No.-206 Year-2024 Thana- BAGHA District- West Champaran

Munna Chaudhary @ Munna Kumar S/O Sri Lalbabu Chaudhary R/O Vill.-
Godiyapatti, Ward no. 25, P.S.- Bagha, Dist.- West Champaran.

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Arvind Ram S/O Late Chhathu Ram R/O Vill.- Anand Nagar, Ward no. 16,
P.S.- Bagha, Dist.- West Champaran.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Sharad Kumar Verma
For the Resp No. 2	:	Mr. Ravi Kumar
For the Respondent/s	:	Mr.Sadanand Paswan

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

ORAL ORDER

5 24-04-2025 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 17.10.2024 passed by the learned 1st Additional
Sessions Judge cum Special Judge, SC/ST (POA) Act, West
Champaran at Bettiah in B.P. No. 3230 of 2024 arising out of
Bagaha P.S. Case No. 206 of 2024 dated 05.08.2024 registered
for the offence/s punishable u/ss 103 read with section 3(5) of
the BNS and section 3(2) (v) of the SC/ST (POA) Act.



3. As per the prosecution case, the appellant and the co-accused persons armed with iron rod is alleged to have come and started abusing and assaulting Sahil Ansari. When the informant's father went to rescue, all the accused persons started abusing and assaulting him by calling his caste name and in the meantime, Nitesh Yadav assaulted the informant's father with iron rod on his stomach and internal parts of his body causing severe injury and they snatched golden chain and Rs. 3000/- from him. It is further alleged that during the course of the treatment, the informant's father died.

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 SC/ST Act. The specific allegation of assaulting is against the co-accused Nitish Yadav. There is general and omnibus allegation against the appellant. As per the postmortem report, the deceased sustained injuries on his neck and abdomen caused by hard and blunt substance and the cause of death is septic shock and cardiac failure. The appellant has no criminal antecedent as stated in para 3 of the



bail petition. The appellant is in custody since 29.09.2024.

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.

6. In view of the aforesaid facts and circumstances of the case as well as finding substance in the contention of the learned counsel for the appellant, the impugned order dated 17.10.2024 passed by the learned 1st Additional Sessions Judge cum Special Judge, SC/ST (POA) Act, West Champaran at Bettiah in B.P. No. 3230 of 2024 arising out of Bagaha P.S. Case No. 206 of 2024, is set aside against the appellant. The criminal appeal is allowed.

7. Accordingly, the above named appellant, is directed to be enlarged on bail on furnishing bail-bond of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of the learned 1st Additional Sessions Judge cum Special Judge, SC/ST (POA) Act, West Champaran at Bettiah in B.P. No. 3230 of 2024 arising out of Bagaha P.S. Case No. 206 of 2024.

(Chandra Prakash Singh, J)

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