

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5625 of 2024

Arising Out of PS. Case No.-10 Year-2024 Thana- ARIYARI District- Sheikhpura

Pappu Kumar Chauhan @ Shiv Shankar Prasad S/o- Late Ratan Chauhan
Village- Kasar PS- Ariyari Now Kasar Dist- Sheikhpura

... .. Appellant/s

Versus

1. The State of Bihar
2. Vikash Kumar, S/o- Janardan Ravidas Village- Kadar PS- Ariyari Dist.-
Sheikhpura

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Bipin Kumar, Advocate
For the Respondent/s : Mrs. Usha Kumari 1, SPP

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

ORAL ORDER

3 24-04-2025 Heard learned counsel for the appellant, learned
counsel for the respondent no. 2 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 (hereinafter in short referred to as the
SC/ST Act) against the refusal of prayer for anticipatory bail
vide order dated 02.12.2024 passed by the learned District and
Additional Sessions Judge-1st-cum-Special Judge, SC/ST (PoA)
Act, Sheikhpura in connection with A.B.P. No. 702 of 2024
arising out of Ariyari (Kasar) P.S. Case No. 10 of 2024 dated
09.01.2024 registered for the offence/s punishable u/ss 341, 323,
307, 379, 504/34 of the IPC read with Section 3(1)(v)(s), 3(2)



(va) of the SC/ST (PoA) Act.

3. As per the prosecution case, the appellant and the co-accused persons are alleged to have attacked the informant and started abusing and assaulting him due to previous enmity. The appellant Pappu Chauhan caught hold of him from back and the co-accused persons, Roshan Kumar gave iron rod blow on the head of informant and co-accused Ravi Kumar hit him on his head with iron punch due to which the informant sustained injuries on head and fell down. The co-accused, Roshan Kumar, snatched eight Ana Bhar Hanuman locket and Ravi Kumar snatched Rs. 3,000/- and demanded Rs. 50,000/- as Rangdari.

4. Learned counsel for the appellant has submitted that the appellant has falsely been implicated in this case due to dirty village politics as the appellant is holding a post of *Sarpanch*. It is further submitted that no particular caste name has been called by the appellant hence, no offence under the provision of SC/ST Act is made out against him. The informant and other two co-accused persons belong to same caste and petitioner has no concern with both of them. There is general and omnibus allegation against the appellant. The specific allegation of assaulting on the head of the informant is against the co-accused, Roshan Kumar and Ravi Kumar. The appellant



has no concern with the alleged occurrence. The appellant has no criminal antecedent as stated at para 3 of the bail petition. It is also submitted that the occurrence took place on 06.09.2024 but FIR has been lodged on 09.09.2024 after delay of three days of the alleged occurrence.

5. Learned Special Public Prosecutor for the State and learned counsel for the respondent no. 2 have vehemently opposed the prayer of bail 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 02.12.2024 passed by the learned District & Additional Sessions Judge 1st-cum- Special Judge of SC/ST (PoA) Act, Sheikhpura in connection with Ariari (Kasar) P.S. Case No. 10 of 2024 is set aside against the appellant. The criminal appeal is allowed.

7. Accordingly, the above named appellant, in the even of his arrest/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) with two sureties of the like amount each to the satisfaction of the learned District & Additional Sessions Judge 1st-cum- Special Judge of SC/ST (PoA) Act,



Sheikhpura in connection with A.B.P. No. 702 of 2024 arising out of Ariari (Kasar) P.S. Case No. 10 of 2024, subject to the conditions mentioned in Section 438(2) of the Code of Criminal Procedure.

(Chandra Prakash Singh, J)

khushbu/-

U		T	
---	--	---	--

