

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1943 of 2025**

Arising Out of PS. Case No.-806 Year-2024 Thana- WAJIRGANJ District- Gaya

BUTAI CHAUDHARY @ RAMVILAS CHAUDHARY S/o- Late Bundi Chaudhary Village- Orail Ps- Wazirganj Dist- Gaya

... .. Appellant/s

Versus

1. The State of Bihar
2. Kanchan Devi W/o- Late Rajesh Chaudhary Village- Amethi Ps- Wazirganj Dist- Gaya

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Krishna Deo Raj, Advocate
For the Respondent/s : Mr. Binay Krishna, SPP
For the Informant : Mr. Sanjay Kumar, Advocate

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

3 09-02-2026 Heard learned counsel for the appellant, learned Special Public Prosecutor for the State and learned counsel for the informant/Respondent No. 2.

2. The instant appeal has been filed by the appellant against the order dated 19.04.2025 passed by learned Exclusive Special Judge, SC/ST (POA) Act, Gaya whereby the prayer for anticipatory bail of the appellant in connection with Wazirganj P.S. Case No. 806 of 2024 under Sections 126, 115(2), 117(2), 118, 109, 103(1), 352, 351(2), 3(5) of the Bharatiya Nyaya Sanhita, 2023, read with Section 27 of the Arms Act and Section 3(i)(r)(s) of SC/ST Act was rejected.



3. Prosecution case, in short, is that the appellant along with other co-accused persons have forcefully entered the house of informant, assaulted her husband and used caste based slurs. Husband of the informant died in course of his treatment.

4. Learned counsel for the appellant submits that the appellant is innocent and has falsely been implicated in the present case. Learned counsel for the appellant also submitted that there is delay of eighteen days in lodging the FIR. It is next submitted that the allegation levelled against the appellant is general and omnibus in nature and the appellant has been arrested only on the basis of suspicion. Learned counsel for the appellant further submits that the appellant has not taken the caste name of the informant in public view. Hence, no offence under the provisions of SC/ST Act is made out against him. The appellant has no intention to disgrace the image of the informant in public view. The appellant has got no criminal antecedent.

5. Learned Special P.P. for the State and the informant have vehemently opposed the prayer for grant of anticipatory bail to the appellant and submitted that there is specific allegation against the appellant as an order giver and he has also assaulted the deceased. It is next submitted that the appellant is named in the FIR. It is further submitted that regular bail of



other co-accused has been dismissed by this Court vide order dated 13.11.2025 passed in Cr. Appeal (SJ) No. 3892 of 2025. Hence, the appellant does not deserve the privilege of anticipatory bail.

6. Considering the aforesaid facts and circumstances of the case, specific allegation as also nature and gravity of the offence, this Court is not inclined to grant anticipatory bail to the appellant at this juncture.

7. Accordingly, the appeal stands dismissed.

(Rudra Prakash Mishra, J)

Rajorshi/-

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