

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4138 of 2025

Arising Out of PS. Case No.-382 Year-2025 Thana- KATEYA District- Gopalganj

Chhotan Chaubey @ Vinay Chaubey Son of Gautam Chaubey R/o Village -
Kateya, Ward No. 8, P.S. - Kateya, Dist. - Gopalganj.

... .. Appellant/s

Versus

1. The State of Bihar
2. ShivKumari Devi W/o Late Krishna Bhar R/o Village - Kateya, Ward no. 7,
P.S. - Kateya, Dist. - Gopalganj.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Vikash Kumar Shukla, Advocate
For the Respondent/s : Mr. Sadanand Paswan, APP

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

ORAL ORDER

4 22-01-2026 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

2. The instant appeal has been filed by the appellant against the order dated 14.09.2025 passed by learned District and Additional Sessions Judge- 11th cum Special Judge, SC/ST Act, Gopalganj whereby the prayer for bail of the appellant in connection with Kateya P.S. Case No. 382 of 2025 under Sections 115(2), 126(2), 326(F), 303(2) & 3(5) of the Bharatiya Nyaya Sanhita, 2023 and Sections 3(1)(r), 3(1)(s), 3(2)(va) of SC/ST Act was rejected.

3. The prosecution case, in short, is that the accused persons set fire to the informant's hut, pushed her family



towards the fire, looted jewellery and cash, assaulted her two daughters.

4. Learned counsel for the appellant submits that the appellant is innocent and has falsely been implicated in the present case due to previous land dispute which is evident from the perusal of the FIR itself. Learned counsel further submitted that none of the witnesses have named the appellant that he was involved in the alleged occurrence. He further submitted that no one got injured in the alleged occurrence. Learned counsel further submitted that there is no specific allegation against the appellant. 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. Charge-sheet has been submitted in this case. The appellant is in custody since 31.08.2025 and has no criminal antecedent.

5. Learned Special P.P. for the State vehemently opposed the prayer for grant of bail to the appellant.

6. Considering the aforesaid facts and circumstances of the case and the period of custody undergone by the appellant, this Court is inclined to allow this appeal. Accordingly, the



appeal is allowed and order dated 14.09.2025 passed by learned District and Additional Sessions Judge- 11th cum Special Judge, SC/ST Act, Gopalganj in connection with Kateya P.S. Case No. 382 of 2025 is hereby set aside.

7. Let the appellant, abovenamed, be released on bail on furnishing bail bonds of Rs. 15,000/- (Rupees Fifteen Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Kateya P.S. Case No. 382 of 2025, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the appellant.

(II) The appellant shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the appellant.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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

