

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4276 of 2025

Arising Out of PS. Case No.-114 Year-2025 Thana- CHAUTHAM District- Khagaria

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1. Chandan Kumar S/O Banarsi Tanti R/O Village- Bari Telauch, P.S.- Chautham , Distt.- Khagaria
 2. Guddu Kumar S/O Banarsi Tanti R/O Village- Bari Telauch, P.S.- Chautham , Distt.- Khagaria

... .. Appellant/s

Versus

1. The State of Bihar
2. Rishi Kumar S/O Jugeshwar Das R/O Village- Bari Telauch, P.S.- Chautham , Distt.- Khagaria

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Ranjeet Kumar Singh, Advocate
For the State	:	Mr.Binay Krishna, APP
For the Informant	:	Mr. Pankaj Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

3 24-02-2026 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, 1989 against the rejection of prayer for bail vide order dated 14.07.2025 passed by the learned District and Additional Sessions Judge 1st cum Special Judge, SC/ST Khagaria in A.B.A. No. 55 of 2025 arising out of Chautham P.S. Case No. 114 of 2025, G.R. No. 56 of 2025 registered for the offence/s punishable u/ss 126(2), 115(2), 76, 303(2), 352, 351(2), (3) and 3(5) of the BNS and under Sections 3(i)(r)(s)(w)(i) of the



SC/ST (POA) Act.

3. As per the prosecution case, the allegation against the appellants is that they assaulted the informant with the butt of a .303 rifle and an iron rod along with other accused persons, and that all nine accused persons abused the informant and others by taking their caste name.

4. Learned counsel for the appellants submits that the appellants have falsely been implicated in this case and no such occurrence as alleged has taken place. It has further been submitted that on account of certain dispute between the parties this present false and concocted case has been lodged which would be evident from the fact that though there is specific allegation of assault by the butt of a .303 rifle, however, no injury report has been brought on record and it has been submitted that from perusal of the case diary there is no reference to any injury report of any person of the prosecution party. It has next been submitted that there is general and omnibus allegation of abuse also without specifying the nature and therefore, even the provisions of the SC/ST Act is not attracted in this case. It has lastly been submitted that the prosecution case is an example of over implication not only of the informant but other co-accused with false and frivolous



allegations and the appellants carry clean antecedent.

5. Learned counsel for the respondent no. 2 as well as the learned Spl. PP for the State have vehemently opposed the prayer for bail and submitted that there is allegation against the appellants also that they had abused the informant and others and they had also assaulted the informant.

6. Considering the aforesaid submissions and facts of the case, the order passed by the learned Trial Court dated 14.07.2025 passed in A.B.A. No. 55 of 2025 is accordingly set aside. Let the appellants above named be released on bail on furnishing bail bonds of Rs.10,000/-(ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending/successor court in connection with Chautham P.S. Case No. 114 of 2025, G.R. No. 56 of 2025, subject to the following conditions:

(i) One of the bailors of the appellants shall be his/her close relative and the other shall be the local resident.

(ii) The appellants shall in no manner threaten or try to contact or influence the informant.

(iii) The learned Court below shall verify the criminal antecedent of the appellant and in case at any stage it is found that the appellant has concealed his criminal antecedent, the



court below shall take step for cancellation of bail bond of the appellant. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

7. The criminal appeal is allowed.

8. It is made clear that the observation, if any, made in this order, shall be of no bearing during the trial.

(Sourendra Pandey, J)

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