

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5102 of 2024

Arising Out of PS. Case No.-287 Year-2024 Thana- UDWANTNAGAR District- Bhojpur

1. Mani Bhusan Chaudhary Son of Shiv Bachan Choudhary Resident of Keshopur Bakri, P.S.- Udwantnagar, Distt.- Bhojpur
2. Santosh Choudhary Son of Ram Bachan Choudhary Resident of Keshopur Bakri, P.S.- Udwantnagar, Distt.- Bhojpur
3. Sonu choudhary Son of Ram Bachan Choudhary Resident of Keshopur Bakri, P.S.- Udwantnagar, Distt.- Bhojpur
4. Rohit Choudhary Son of Gopal Choudhary Resident of Keshopur Bakri, P.S.- Udwantnagar, Distt.- Bhojpur
5. Ram Bachan Choudhary Son of Late Ram Asharey Choudhary Resident of Keshopur Bakri, P.S.- Udwantnagar, Distt.- Bhojpur

... .. Appellants

Versus

1. The State of Bihar
2. Nitish Kumar Son of Late Sita Ram Rajak Resident of Keshopur Bakri, P.S.- Udwantnagar, Distt.- Bhojpur

... .. Respondents

Appearance :

For the Appellants : Mr. Manoj Kumar, Advocate
For the Respondent/s : Mr.Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE PRAVEEN KUMAR
ORAL ORDER

5 12-02-2026 Heard learned counsel for the appellants and learned Special Public Prosecutor appearing for the State and also learned counsel for the respondent No.2.

2. Learned counsel for the appellants, at the outset, seeks permission to withdraw the prayer of anticipatory bail of appellants No. 1, 2 and 5, namely, Mani Bhushan Choudhary, Santosh Choudhary and Ram Bachan Choudhary respectively.

3. Permission is accorded.

4. This appeal with respect to the appellants No. 1, 2



and 5, namely, Mani Bhushan Choudhary, Santosh Choudhary and Ram Bachan Choudhary respectively is dismissed as withdrawn.

5. Accordingly, this appeal is now taken up for consideration of prayer of anticipatory bail of appellants No. 3 and 4, namely, Sonu Choudhary and Rohit Choudhary respectively.

6. This appeal under Section 14A(2) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989 has been directed against the order dated 08.05.2024 passed by learned Additional Sessions Judge-1st -cum-Special Judge SC/ST Act, Bhojpur at Ara, in A.B.P. No. 2416 of 2024 in connection with Udwant Nagar P.S. Case No. 287 of 2024, registered under Sections 191*2), 191(3), 190, 126(2), 115(2), 109(1), 103(2) of the BNS read with Section 3(i) (r)(s) and 3(2)(v) of Scheduled Castes and Scheduled Tribe (Prevention of Atrocities) Act, 1989, whereby the prayer for grant of anticipatory bail of the appellants has been rejected.

7. As per the prosecution case, the informant, namely, Nitish Kumar, alleged that on 04.07.2024, while the informant was sitting in the lawn of the Harijan Community Hall along with his brothers and cousin, at about 01:30 PM, the



appellants along with other named accused persons came there , surrounded them the accused persons started firing from pistol targeting them. On exhortation of accused Mala Devi by taking caste name to kill them, they assaulted Vikash Kumar by *lathi*, *danda* and iron rod, accused Gopal Choudhary gave a blow by pistol, resulting in injury on his head. Accused Harendra Choudhary, Gopal Choudhary, Ramashankar Choudhary, Vijay Choudhary, Shivbachan Choudhary opened indiscriminate firing from the pistol at Birendra Ram, who sustained gun shot injuries in his head, leg, abdomen and knee, as a result of which he fell down and died. It is alleged that the accused persons had threatened them in the morning the PACS Chairman Chandan Choudhary had threatened him of dire consequences for dispute for money. In the past also they were assaulted by the accused persons. This occurrence has been committed in a planned manner.

8. Learned counsel appearing for the appellants submits that the appellants No. 3 and 4 bear clean antecedent and no specific overt act has been alleged against them. Since they belong to the same family, their names has been given in the case. As regards allegation of abuse with the caste name attracting the rigours of SC & ST Act is concerned, it is not



committed in a public place nor any person has been named to be present at the place of occurrence when the alleged offence of abuse was being committed. He further submits that no case, as alleged in the F.I.R, attracting rigours of SC & ST Act is made out against the appellants. Moreover, the co-accused, namely, Chandan Choudhary @ Chandan Kumar Choudhary and Ras Narayan Choudhary & Satendra Choudhary @ Mantu Choudhary have already been granted the benefit of anticipatory bail by co-ordinate Benches of this Court in Cr. Appeal (S.J.) Nos. 1134 of 2025 and 4694 of 2024 vide orders dated 10.07.2025 and 12.11.2025 respectively and the case of the appellants are similar to that of the aforesaid co-accused. Hence, the impugned order may be set aside and the appellants may be granted the privilege of anticipatory bail.

9. Learned Special Public Prosecutor as well as learned counsel for the respondent No.2 have vehemently opposed the prayer for grant of anticipatory bail to the appellants and submitted that appellants are actively involved in the present occurrence.

10. Considering the entire facts and circumstances of the case and also the fact that the appellants bear clean antecedent coupled with the fact that the co-accused, having



more or less similar allegation, has already been granted the privilege of anticipatory bail by a co-ordinate Bench of this Court, let the above named appellants in the event of their arrest/surrender within a period of six weeks be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-1st -cum-Special Judge SC/ST Act, Bhojpur at Ara, in connection with Udwant Nagar P.S. Case No. 287 of 2024 subject to the conditions laid down under Section 482(2) of the B.N.S.S/Section 438(2) of the Cr.P.C..

11. Accordingly, this appeal is allowed and the impugned order dated 12.09.2024 rejecting the prayer for grant of anticipatory bail to the appellants is, hereby, set aside.

(Praveen Kumar, J)

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