

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4503 of 2025

Arising Out of PS. Case No.-239 Year-2024 Thana- ASHTHAWAN District- Nalanda

Suraj Chauhan @ Suraj Kumar Chauhan S/O Raj Karan Chauhan @ Raj Karan Chauhan R/O Vill.- Gannichak, P.S.- Asthawan, Dist.- Nalanda.

... .. Appellant/s

Versus

1. The State of Bihar
2. Tatari Kumari W/O Umesh Paswan R/O Vill.- Nigampura, P.S.- Asthawan, Dist.- Nalanda.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Rudal Singh, Advocate

For the Respondent/s : Mr. Binay Krishna, Spl. PP

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

3 05-05-2026 Heard learned counsel for the appellant and learned Spl. P.P. for the State.

2. This appeal is preferred against the order dated 08.10.2025 passed by the learned Addl. Sessions Judge-VIIIth-cum- Special Judge, SC/ST (POA) Act, Nalanda in connection with Asthawan P.S. Case No. 239 of 2024 registered under Sections 191(2), 190, 126(2), 115(2), 352, 117(2), 109 of the Bihar Nyaya Sanhita and Section 27 of the Arms Act and under Section 3(1)(r)(s) of the SC/ST (POA) Act.

3. As per the prosecution case, the appellant and the co-accused persons are alleged to have assaulted the informant's son with iron rod and the co-accused Dayanand Chauhan



opened fire and abused the informant's son by calling his caste name.

4. Learned counsel for the appellant submits that the appellant has falsely been implicated in this case. From perusal of FIR, it appears that there is no specific allegation of firing is against the appellant rather the specific allegation of firing attributed against co-accused Dayanand Chauhan. The appellant did not publicly mention the caste of the informant; hence, no offence under the provisions of the SC/ST Act is made out against him. There is case and counter case between both the parties. Similarly situated co-accused person has already been granted regular bail by a coordinate Bench of this Hon'ble Court vide order dated 10.07.2025 passed in Cr. Appeal (SJ) No. 1425 of 2025. The appellant is in custody since 26.09.2025.

5. Learned counsel for the State has opposed the prayer of bail of the appellant.

6. From the reading of the entire FIR it does not appear that offence has been committed against the informant on the ground that she is a member of SC/ST community and primarily, it appears that the occurrence has taken place due to issues arising from local politics.

7. Considering the facts of the case and the rival



submissions of the parties and also there is no specific allegation of abuse is attributed against the appellant, this appeal is allowed and accordingly, the order dated 08.10.2025 passed by the learned Additional Sessions Judge- VIIIth- cum- Special Judge, SC/ST (POA) Act, Nalanda in connection with Asthawan P.S. Case No. 239 of 2024, is hereby set aside.

8. Accordingly, the appellant is directed to be released on bail upon furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) 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 Asthawan P.S. Case No. 239 of 2024.

9. It is made clear that any observation made herein is prima facie in nature and limited solely for the purpose of adjudication of the present bail application. Such observations shall not be construed as an expression on the merits of the case and shall not influence the trial or any other proceedings in any manner.

(Sandeep Kumar, J)

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