

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5089 of 2025

Arising Out of PS. Case No.-438 Year-2025 Thana- NAUTAN District- West Champaran

1. Sonu Chaudhary @ Sonu Kumar Son of Goverdhan Chaudhary Resident of Village - Tilangahi, P.S. - Bairiya, Distt. - West Champaran.
2. Sunil Chaudhary @ Sunil Kumar Son of Bunilal Chaudhary @ Bunilal @ Bhoori Resident of Village - Tilangahi, P.S. - Bairiya, Distt. - West Champaran.

... .. Appellant/s

Versus

1. The State of Bihar
2. Sanjiv Kumar Son of Lalan Ram R/o Village - Nautan Khap Tola, Ward no. 10, P.S. - Nautan, Dist. - West Champaran.

... .. Respondent/s

Appearance :

For the Appellants	:	Mr. Sanjeev Kumar Shrivastava, Advocate
For the State	:	Mr. Binay Krishna, Spl.PP
For the Informant	:	Mr. Deepak Kumar, Advocate
		Ms. Kumari Akanksha Rai, Advocate
		Mr. Sarvesh Kashyap, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 30-04-2026 Heard learned counsel appearing for the appellants, learned Special Public Prosecutor appearing for the respondent-State and learned counsel appearing for the informant/Respondent No. 2.

2. This appeal has been filed for setting aside order dated 18.11.2025 passed in a case registered for the offence punishable under Sections 126(2), 115(2), 118(1), 351(2), 352 and 3(5) of the B.N.S. and Sections 3(i)(r)(s) and 3(2)(v-a) of the Scheduled Castes and Scheduled Tribes (Prevention of



Atrocities) Act, whereby the prayer for grant of anticipatory bail of these appellants has been rejected.

3. The prosecution case, in brief, is that on 17.08.2025 at about 9:30 PM, when the informant was returning from Tilhahi Chowk, in the meantime, all the F.I.R. named accused persons, including this appellants, along with 5 to 6 unknown persons, intercepted him and abused him by caste based slurs. It is further alleged that Appellant No. 1, namely Sonu Chaudhary, assaulted informant with knife and Appellant No. 2, namely Sunil Chaudhary, assaulted informant with iron fighter.

4. It is submitted by learned counsel appearing on behalf of the appellants that appellants are quite innocent and have committed no offence. As a matter of fact, on account of pre-existing land dispute, this false and concocted case has been lodged. The present F.I.R. has been lodged after inordinate delay of 14 days and there is no plausible explanation for the same, which itself makes the entire prosecution case doubtful. Doctor has found the injuries, allegedly caused by these appellants, simple in nature. It is further submitted that it is not the case of the prosecution that any member of public was present at the place of occurrence and as such, no case under the Scheduled



Castes and Scheduled Tribes (Prevention of Atrocities) Act is made out against these appellants. Appellants claim clean antecedents.

5. Learned Spl. P.P. appearing for the respondent-State and learned counsel appearing for the informant/Respondent No. 2 have vehemently opposed the prayer for grant of bail to the appellants.

6. Considering the facts and circumstances of the case, delay in lodging of the F.I.R., nature of injuries allegedly caused by these appellants and clean antecedents of the appellants, this appeal is allowed and the impugned order dated 18.11.2025 passed by the learned District and Additional Sessions Judge 1st-cum-Special Judge, SC/ST, Bettiah, West Champaran in connection with A.B.P. No. 2632 of 2025 arising out of Nautan P.S. Case No. 438 of 2025 is hereby set aside with respect to these appellants only.

7. Accordingly, let the appellants, named above, in the event of arrest/surrender within a period of eight weeks from the date of receipt/production of a copy of this order, be enlarged 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 learned District and Additional Sessions Judge 1st-cum-Special



Judge, SC/ST, Bettiah, West Champaran in connection with
Nautan P.S. Case No. 438 of 2025.

(Prabhat Kumar Singh, J)

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