

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.3094 of 2018

Arising Out of PS.Case No. -58 Year- 2018 Thana -MAHESHKHUNT District- KHAGARIA

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1. Shambhu Chourasia, Son of Late Kokay Chourasia,
2. Pappu Chourasia, Son of Sivan Chourasia.
3. Anil Chourasia, Son of Godho Chourasia.
4. Gopal Chourasia, Son of Late Madhuri Chourasia.
5. Nikki Chourasia, Son of Puran Chourasia.
6. Sanjay Chourasia, Son of Late Maheshwar Chourasia.
7. Subhash Chourasia, Son of Late Maheshwar Chourasia.
8. Ratan Chourasia, Son of Kokay Chourasia.
9. Raju Chourasia, Son of Rakesh Chourasia.
10. Sibban Chourasia, Son of Late Prabhu Chourasia.
11. Rahul Chourasia, Son of Gopal Chourasia, all are resident of Village-Kajichak, P.S.- Maheshkhunt, District- Khagaria.

.... Appellants

Versus

1. The State of Bihar.

.... Respondent

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Appearance :

For the Appellant/s : Mr. Praveen Kumar Agrawal, Advocate
For the Respondent/s : Mr. Sadanand Paswan, SPP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 06-10-2018

Heard learned counsel for the parties.

Appellant No.9 Raju Chourasia has already been arrested in this case. Hence, his prayer for anticipatory bail is infructuous now.

This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 against the refusal of prayer for anticipatory bail vide order dated 01.08.2018 passed by the learned Additional Sessions Judge- 1st- Cum-Special Judge, Khagaria, in Special A.B.A. No. 52 of 2018,



arising out of Maheshkhunt Police Station Case No. 58 of 2018, registered under Sections 147/148/149/323/325/427/448/307 of the Indian Penal Code and Sections 3(1)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

The informant and others had allegedly committed murder of one Binod Choudhary for which Khagaria P.S. Case No. 57 of 2018 was lodged under Sections 302/34 of the Indian Penal Code. The appellants were witness in that case.

Submission is that just to put wrong pressure present false case has been lodged with allegation that the appellants entered into the house of the informant variously armed and committed assault to different family members.

Learned Additional Public Prosecutor, appearing for the State, opposed the prayer for bail on the ground that other witnesses have also supported the allegation before the police and prima facie offence under the provisions of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, is made out against the appellants.

Considering the background of allegation and general and omnibus nature of allegation for the purpose of considering of prayer for anticipatory bail chances of mala fide prosecution cannot be completely ruled out as well as the fact that the appellants have stated



on oath that they have got no criminal antecedent, let the appellants above named except appellant No.9, Raju Chourasia, in the event of their arrest or surrender before the Court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bonds of Rs.20,000/- (Twenty Thousand) each with two sureties of the like amount each to the satisfaction of the learned Court-below where the case is pending in connection with the aforesaid case, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure as well as condition that the appellants shall fully cooperate with the investigation/trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the appellants.

Accordingly, the impugned order is set aside and the appeal is allowed.

(Birendra Kumar, J)

Mkr./-

AFR/NAFR	NAFR
CAV DATE	NA
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