

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.1917 of 2018

Arising Out of PS. Case No.-1 Year-2018 Thana- HATHAURI District- Samastipur

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Gopal Chaudhari @ Gopal Choudhary, son of late Kantir Choudhary,
Resident of Village- Ballipur, Shivajeenagar, P.S. Hathauri, District-
Samastipur.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Kundan Kumar, Advocate.

For the Respondent/s : Mr. Smt Usha Kumari No-1, Spl. P.P.

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**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

3 12-06-2018 Heard learned counsel for the appellant and the learned
Special P.P. for the State.

2. This criminal appeal, filed under Section 14 (a) (2) of the SC/ST (Prevention of Atrocities) Act, is preferred against the order dated 23.04.2018 passed by the Special Judge, SC/ST Act, Samastipur, by which and whereunder, the prayer for bail of the appellant has been rejected in connection with Hathauri P.S. Case No. 01 of 2018 registered under Sections 341, 323, 307, 354, 379, 504 and 508 of the Indian Penal Code and Sections 3(1)(r)(s) (w)/3(2)(va) of the SC/ST Act.

3. The accusation is that, in the evening of 12.12.2017, informant, Amlesh Devi, was going to his village Ballipur from Samastipur. In the way, Appellant, Gopal Choudhary, along with three others with bad intention asked her to accompany them otherwise she will be killed. When the informant refused to



accompany then all caused injury through fist and slaps and also through rod. Thereafter, informant became unconscious and when she regained her consciousness found missing her purse, mobile, nose pin and cash of Rs.10,000/- which was kept in her purse.

4. Learned counsel for the appellant submits that appellant and the informant are co-villagers and due to petty dispute the informant has lodged the present case with false allegation. Further submission is that petitioner has no criminal antecedent and is in custody since 08.03.2018.

5. In view of the aforesaid submission, the impugned order cannot be sustained in the eye of law. Accordingly, this criminal appeal is allowed and the impugned order dated 23.04.2018 passed by the Special Judge, SC/ST Act, Samastipur, is hereby set aside.

6. Having regard to the facts and circumstances of the case, the appellant, above named, is directed to be released on bail on furnishing bail bonds of Rs.10,000/- with two sureties of the like amount each to the satisfaction of the Special Judge, SC/ST Act, Samastipur, in connection with Hathauri P.S. Case No. 01 of 2018.

(Rajendra Kumar Mishra, J)

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