

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Criminal Appeal (SJ) No. 3110 of 2018**

Arising Out of PS.Case No. -25 Year- 2017 Thana -SC/ST District- SITAMARHI

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1. Ram Ayodhya Chaudhary, Son of Late Deo Narain Chaudhary
  2. Ashok Kumar @ Ashok Chaudhary, Son of Ram Ayodhya Chaudhary
  3. Prabhakar Kumar @ Gopi Chaudhary, son of Manoj Kumar alias Manoj Chaudhary, All resident of Village - Dhobaha, P.S. - Runni Saidpur, District - Sitamarhi.

.... .... Appellant/s

Versus

1. The State of Bihar

.... .... Respondent/s

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**Appearance :**

For the Appellant/s : Mr. Rajan, Advocate

For the Respondent/s : Mr. Sadanand Paswan, S.P.P.

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**CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR**

**ORAL JUDGMENT**

**Date: 06-10-2018**

Heard learned counsel for the parties.

This is an appeal under Section 14-A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as the “SC/ST Act”) against the refusal of prayer for anticipatory bail vide order dated 23.04.2018 in ABP No. 659 of 2018 passed by the learned 1<sup>st</sup> Additional Sessions Judge-cum-Special Judge S.C./S.T. (POA) Act, Sitamarhi in connection with Sitamarhi SC/ST P.S. Case No. 25 of 2017 registered under Sections 341, 323, 506, 354B, 418, 504/34 of the Indian Penal Code as well as Sections 3(i)(s)(w)(1) of the SC/ST Act.

This appeal is barred by limitation of 15 days.

The delay is explained in the petition, filed under



Section 5 of the Limitation Act, vide I.A. No. 2568 of 2018. Hence, for substantial justice, the delay is condoned.

According, I.A. aforesaid stands disposed of.

According to complaint based FIR, the husband of the complainant was a helper in the farming of the appellants. Labour charges was due since long to the tune of Rs.84,000/- which the appellants were not giving. On one occasion, husband of the complainant fell down from a tree resulting in fracture of waist. Complainant suspected that her husband was forced to climb the tree. For that reason, allegation is of commission of abuse and assault.

Submission is that since the husband of the complainant had voluntarily climbed up the tree and he fell down and sustained injury. Complainant was insisting for expenses of the injury and just to pressurize, false case has been lodged. Appellants have got no criminal antecedent.

Learned Special Public Prosecutor opposed the prayer for bail.

Considering the nature and background of allegation, let the appellants, above named, 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/- (rupees 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 as well as condition that both the bailors shall be resident of within the territorial jurisdiction of the learned court below.

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

**(Birendra Kumar, J)**

Kundan/Rajan

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| AFR/NAFR          | N.A.       |
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