

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.3771 of 2018

Arising Out of PS. Case No.-82 Year-2018 Thana- DHANAHA District- West Champaran

1. Sikandra Chaudhary @ Sikandra Kr. Chaudhary son of Paras Chaudhary
2. Birendra Chaudhary son of Paras Chaudhary
3. Sahil Kumar @ Sahil Kumar Chaudhary son of Hari Dawar Chaudhary,
4. Hari Dawar Chaudhary @ Hari Dayal Chaudhary, son of Kunj Bihari Chaudhary
5. Geeta Devi wife of Paras Chaudhary All are residents of Village- Dahwa, Police Station- Dhanha, District- West Champaran.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Ram Kishun Prasad, Adv
For the Respondent/s	:	Mr. Binay Krishna, SPP

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT

Date : 17-12-2018

Appellant No.2-Birendra Chaudhary has already been arrested in this case. Hence, his prayer for anticipatory bail is infructuous.

Heard learned counsel for the parties.

This is an appeal under Sections 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, against refusal of the prayer for anticipatory bail by order dated 07.08.2018 in A.B.P. No.1331 of 2018 arising out of Dhanha P.S.Case No.82 of 2018 passed by the learned 1st Addl. District and Sessions Judge-cum-Special Judge, Bettiah West



Champaran registered under Sections 341, 323, 354, 379, 504, 506/34 of the Indian Penal Code and Sections 3(i)(r) of the Scheduled Castes and Scheduled Tribes Act.

The initial occurrence was committed by co-accused-Birendra Chaudhary and in the subsequent occurrence which allegedly took place due to earlier occurrence. There is general and omnibus allegation against the appellants of commission of abuse and assault. Appellants are not accused in any case registered under Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Considering the general and omnibus nature of allegation, let the appellant Nos.1,3,4 and 5, 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 anticipatory bail on furnishing bail bond of Rs.20,000 (Twenty Thousand) each with two sureties of the like amount each to the satisfaction of 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 and further 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 this appeal stands allowed.

(Birendra Kumar, J)

Nitesh/-

AFR/NAFR	NAFR
CAV DATE	NA
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