

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.1416 of 2018

Arising Out of PS.Case No. -51 Year- 2014 Thana -KARPI District- JEHANABAD

- =====
1. Lalchand Chaudhary, S/o Parshuram Chaudhary,
 2. Lalita Devi, W/o Lalchand Chaudhary, Both resident of Village- Turk Telpa, P.S. Bounshi, District- Arwal.

.... Appellant/s

Versus

1. The State of Bihar.

.... Respondent/s

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Appearance :
For the Appellant/s : Mr. Pramod Kumar Singh, Advocate
For the Respondent/s : Mr. Binay Krishna, SPP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 16-07-2018

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 against the refusal of prayer for anticipatory bail vide order dated 03.04.2018 passed by learned Additional Sessions Judge-I, Jehanabad, in A.B.P. No.477 of 2018, arising out of Karpi (Bounshi) Police Station Case No.51 of 2014, registered under Sections 147/148/149/323/305/307/302/504 of the Indian Penal Code and Section 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

There is general and omnibus allegation against ten FIR named accused persons including the appellants of commission of



assault to Kamat Paswan as a result whereof he died during the course of treatment.

Submission of the learned counsel for the appellants is that the allegation is general and omnibus. Even the female members of the family have been roped which shows the tendency of mala fide intention to rope as many people as the informant desired. The doctor has not found any external injury on the person of the deceased. The inquest also does not reveal any sign of external injury on the person of the deceased. Hence, the appellants deserve anticipatory bail.

The post mortem report reveals that the doctor has not noticed any injury on the external surface of the body. However, on internal examination, found linear fracture on right side of frontal and right side of parietal bone with depressed fracture of right temporal bone with intracranial haemorrhage. According to the opinion of the doctor internal injury was ante mortem in nature caused by hard and blunt substance and head injury was caused of death. Nothing has been brought on the record to substantiate that such type of internal injury is possible without any external assault.

Considering the material on record, I am not inclined to grant anticipatory bail to appellant Lalchand Chaudhary. Hence, his appeal stands dismissed.

Since appellant No.2 Lalita Devi, who is a female and co-



accused along with nine male persons, taking special consideration, let appellant Lalita Devi, in the event of her 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 appellant 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 appellant.

Accordingly, this appeal stands partly allowed and partly dismissed.

(Birendra Kumar, J)

Mkr./-

AFR/NAFR	NAFR
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