

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.959 of 2019

Arising Out of PS. Case No.-218 Year-2018 Thana- NARDIGANJ District- Nawada

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1. Jitendra Chauhan Son of Gore Chauhan
 2. Upendra Chaudhan Son of Musafir Chauhan @ Mosafir Jamadar
 3. Shankar Chauhan Son of Birju Chauhan
 4. Shiko Chauhan @ Sikandar Chauhan Son of Mosafir Chauhan @ Mosafir Jamadar
 5. Ranjit Chauhan Son of Nandu Chaughan
 6. Nandu Chauhan Son of Mosafir Chauhan @ Mosafir Jamadar
 7. Mithu Chauhan Son of Mosafir Chauhan @ Mosafir Jamadar

All are Resident of Village - Bhabnauli Tola, Sita Bigha, P.S.- Nardiganj,
Distt.- Nawada.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Pramod Kumar Verma
For the Respondent/s	:	Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL JUDGMENT

Date : 26-03-2019

This is an appeal under Section 14A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 against the refusal of prayer of anticipatory bail dated 29.01.2019 passed by the learned Addl. Sessions Judge-1st Nawada in ABP No. 71 of 2019 arising out of Nardiganj P.S.Case No. 218 of 2018 registered under Sections 307, 323, 341, 380, 447, 504 and 506 of the Indian penal Code and Sections 3(i)(ii) of the Scheduled Castes and Scheduled Tribes



(Prevention of Atrocities) Act, 1989.

Allegation as per FIR is that accused persons including the appellants variously armed with came at the Darbaza of the informant and started assaulting her husband and specific allegation against appellant no. 2 is of assaulting by means of Garasa causing injury to Bhola Kumar, against appellant no. 4 is of assaulting by rod on the head of husband of the informant and against appellant no. 6 is assaulting the informant by lathi. Further allegation is that other accused persons including the appellants taken away boxes from her house as well as silver ornaments, Tabiz of gold and Rs. 50,000/- and they have also abused the informant by caste name.

Submission of learned counsel for the appellants is that dispute is with respect to transaction of money in between the parties and so far allegation of assault is concerned, the Dy.S.P. in his supervision note has not found the case true under Section 307 of the Indian Penal Code and specific allegation of assault is only against appellant no. 4, appellant no. 2 and against appellant no. 6 of assault by lathi. So far allegation of abusing by caste name is concerned, it is ornamental in nature and there is no specific allegation against other appellants.

Heard learned Spl. P.P also.



Having heard both sides and in view of the facts and circumstances, as stated above, let the appellants, in the event of arrest or surrender before the court below within a period of six weeks from the date of receipt/production of a copy of this order, be released on bail upon furnishing bail bond of Rs. 25,000/- (Rupees twenty five thousand) each with two sureties of the like amount each to the satisfaction of the learned Addl. Sessions Judge-1st, Nawada in ABP No. 71 of 2019 arising out of Nardiganj P.S.Case No. 218 of 2018; subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure with further condition that they will cooperate in investigation.

Accordingly, the appeal is allowed and the impugned order is set aside with respect to them.

(Vinod Kumar Sinha, J)

sujit/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	
Transmission Date	

