

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1166 of 2019

Arising Out of PS. Case No.-709 Year-2016 Thana- AURANGABAD COMPLAINT CASE
District- Aurangabad

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1. TARA LAL CHOUDHARY S/o Ramjanam Choudhary Resident of Village- Dosamha, P.S.- Deo, District- Aurangabad (Bihar).
 2. Amaresh Choudhary S/o Tara Lal Choudhary Resident of Village- Dosamha, P.S.- Deo, District- Aurangabad (Bihar).
 3. Birendra Choudhary S/o Gauri Shankar Choudhary Resident of Village- Dosamha, P.S.- Deo, District- Aurangabad (Bihar).
 4. Patel Choudhary S/o Birendra Choudhary Resident of Village- Dosamha, P.S.- Deo, District- Aurangabad (Bihar).
 5. Bhuli Choudhary S/o Ram Sharan Choudhary Resident of Village- Dosamha, P.S.- Deo, District- Aurangabad (Bihar).
 6. Rimant Choudhary @ Remand Choudhary S/o Bhuli Choudhary Resident of Village- Dosamha, P.S.- Deo, District- Aurangabad (Bihar).
 7. Bharat Saw S/o Ganga Saw Resident of Village- Dosamha, P.S.- Deo, District- Aurangabad (Bihar).
 8. Rajendra Saw S/o Ganga Saw Resident of Village- Dosamha, P.S.- Deo, District- Aurangabad (Bihar).

... .. Appellant/s

Versus

1. THE STATE OF BIHAR.
2. Umesh Paswan S/o Bareshwar Paswan Resident of Village- Dosamha, P.S.- Deo, District- Aurangabad (Bihar).

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Parmeshwar Vishwakarma
For the Respondent/s	:	Mr.Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

3 25-06-2019 Heard learned counsel for the appellants and learned
Special Public Prosecutor for the State.

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 22.01.2019 passed by learned Special Judge (SC/ST Act) Aurangabad in connection with Complaint Case No. 709 of 2016, Tr. No. 13 of 2017 registered under Sections 323, 147, 504, 149, of the Indian Penal Code and also under Section 3 (i) (iv) (xi) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Appellants are said to have assaulted the complainant by means of Lathi, Danda and Khanti and slated him in the name of his caste on his refusal to do his work. They also threatened the complainant to leave the land which was cultivated by him.

It is submitted by the learned counsel for the appellants that no such occurrence as alleged ever took place. Appellants have been falsely implicated in this case. Two witnesses examined by the complainant as the inquiry witnesses have not supported the allegation of slating the complainant in the name of his caste by the appellants. Other allegation levelled against the appellants are not specific rather general and omnibus in nature and none has sustained injury in the occurrence. Appellants have no criminal antecedent.



Learned Spl. P.P. for the State opposed the prayer for bail.

In the facts and circumstances of the case, the above named appellants are directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Special Judge (SC/ST) Act, Aurangabad in connection with Complainant Case No. 709 of 2016 (Tr. No. 13 of 2017), subject to condition as laid down under Section 438 (2) of the Cr.P.C.

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

(Prakash Chandra Jaiswal, J)

T.Kr./-

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