

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.4552 of 2018

Arising Out of PS. Case No.-46 Year-2018 Thana- SC/ST District- Jehanabad

1. Dharmendra Chauhan @ Dharmendra Kumar, Son of Vinal Chauhan
2. Dhananjay Chauhan @ Dhananjay Kr. Son of Baibil Chauhan
3. Balmiki Chauhan @ Balmiki Kumar Son of Satya Naryan Chauhan
4. Vinay Chauhan Son of Panchu Chauhan
5. Nageshwar Chauhan @ Nageshwar Chauhan Son of Dudheshwar Chauhan
6. Ambika Chauhan Son of Fagu Chauhan
7. Pawan Chauhan @ Pawan Kumar, Son of Mukhlal Chauhan
All are Resident of Village-Kafarpur,P.S. Makhdumpur,Distt.-Jehanabad
... .. Appellant/s

Versus

The State Of Bihar
... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Shivendra Prasad
For the Respondent/s : Mr.Sri Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL JUDGMENT

Date : 01-02-2019

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 27.10.2018 passed by the learned Addl. Sessions Judge-1st, in ABP No. 1592 of 2018 arising out of Jehanabad SC/ST P.S.Case No. 46 of 2018 registered under Sections 147, 148, 149, 307, 323, 325, 341, 354 and 504 of the Indian penal Code and Sections 3(i)(r)(s)(w), 3(2)(v)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

Allegation against the appellant no. 1 is that he thrashed the informant on the ground and when she went along with her



husband to complain about the about same, appellant no.1 abused her husband by caste name and assaulted him by rod. He also assaulted on the head family members of the informant namely Vinod Paswan by rod due to which he fell down and other appellants have also assaulted the family members of the informant and villagers came to same them.

Submission of learned counsel for the appellants is that there is case and counter case in between the parties and as a matter of fact, informant has received injuries in a motorcycle accident with the appellant no. 1 and as such lodged the present false and concocted case

Heard learned Spl. P.P also who has opposed the prayer for anticipatory bail on the ground that there is specific allegation against Dharmendra Chauhan of assaulting and abusing by caste name.

Having heard both sides and in view of the facts and circumstances, as stated above, so far as appellant no. 1 is concerned, I am not inclined to grant privilege of anticipatory bail to him. However, he is directed to surrender and make prayer for regular bail, which shall be considered on its own merit without being prejudiced by this order.

So far rest of the appellants No. 2 to 7 are concerned, 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, in ABP No. 1592 of 2018 arising out of Jehanabad SC/ST P.S.Case No. 46 of 2018; subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

Accordingly, the appeal is allowed and the impugned order is set aside with respect to appellants No. 2 to 7.

(Vinod Kumar Sinha, J)

sujit/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

