

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.1507 of 2019**

Arising Out of PS. Case No.-69 Year-2016 Thana- MUZFFARPUR COMPLAINT CASE  
District- Muzaffarpur

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1. RAHUL CHAUDHARY @ RAHUL KUMAR Son of Binay Chaudhary Resident of Village - Bela Chhapra, P.S.- Bela, District - Muzaffarpur.
  2. Chandan Chaudhary @ Chandan Kumar Son of Mahendra Chaudhary Resident of Village - Bela Chhapra, P.S.- Bela, District - Muzaffarpur.
  3. Manjay Chaudhary Son of Mahendra Chaudhary Resident of Village - Bela Chhapra, P.S.- Bela, District - Muzaffarpur.
  4. Sanjay Chaudhary Son of Mahendra Chaudhary Resident of Village - Bela Chhapra, P.S.- Bela, District - Muzaffarpur.
  5. Binay Chaudhary Son of Mahendra Chaudhary Resident of Village - Bela Chhapra, P.S.- Bela, District - Muzaffarpur.
  6. Jhanjhat Chaudhary @ Jhanjhat Kumar Son of Sanjay Chaudhary Resident of Village - Bela Chhapra, P.S.- Bela, District - Muzaffarpur.

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. Mira Devi Wife of Rajendra Ram Resident of Village - Bela Chhapra, P.S.- Bela, District - Muzaffarpur.

... .. Respondent/s

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**Appearance :**

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

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**CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL**

ORAL ORDER

4      27-06-2019                      Heard learned counsel for the appellants and learned  
Spl. PP for the State.

This is an appeal under Section 14(A)(2) of the SC/ST Act against the refusal of prayer for anticipatory bail vide order dated 13.03.2019 passed by learned 11<sup>th</sup> Addl. Sessions Judge cum Special Judge (SC/ST Act), Muzaffarpur in Complaint



Case No. 69 of 2016 registered under Sections 323 and 504 of the Indian Penal Code and Section 3(i)(x) of the SC/ST Act.

Appellants are said to have slated the informant and her husband in the name of their caste and also assaulted them over claiming back she buffalo from the informant given to her by the appellants for nurturing.

It is submitted by learned counsel for the appellants that no such occurrence as alleged ever took place. Appellants have been falsely implicated in the case due to ulterior motive. No one sustained any injury in the occurrence. Aforesaid occurrence took place at desolate place, hence no offence under SC/ST Act is made out against the appellants. Appellants have no criminal antecedent. Hence they may be enlarged on bail.

Per contra, learned Spl. PP for the State vehemently opposing the bail petition submitted that there is allegation of slating the informant and her husband in the name of their caste and also assaulting them against the appellants. Hence anticipatory bail is barred by Section 18 of the SC/ST Act. Moreover cognizance of the offence has already been taken against the appellants, hence anticipatory bail is not maintainable.

Having regard to the facts and circumstances of



the case, I am not inclined to enlarge the appellants on bail.  
Prayer for bail of the appellants is rejected. Accordingly this  
appeal is dismissed.

However, appellants are directed to surrender  
before the learned court below within six weeks from today and  
seek regular bail and the learned court below shall dispose of  
the bail petition of the appellants on the very date of the  
surrender of the appellants in accordance with law without  
being prejudiced by this order.

**(Prakash Chandra Jaiswal, J)**

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