

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1849 of 2019

Arising Out of PS. Case No.-196 Year-2018 Thana- RAGHUNATHPUR District- Siwan

1. LALJI CHAUDHARY @ LALJI YADAV S/o Sheogobind Chaudhary, Resident of Village- Lagusa, P.S.- Raghunathpur, District- Siwan.
2. Sudama Chaudhary @ Sudama Yadav, S/O Late Banarsi Chaudhary, Resident of Village- Lagusa, P.S.- Raghunathpur, District- Siwan.
3. Sheoji Chaudhary @ Sheoji Yadav, S/O Lalji Chaudhary, Resident of Village- Lagusa, P.S.- Raghunathpur, District- Siwan.
4. Krishna Chaudhary @ Krishna Yadav @ Banga Chaudhary, S/O Late Banarsi Chaudhary, Resident of Village- Lagusa, P.S.- Raghunathpur, District- Siwan.
5. Upendra Chauhan S/O Ayodhya Chauhan, Resident of Village- Lagusa, P.S.- Raghunathpur, District- Siwan.
6. Mahendra Chauhan, S/O Ayodhya Chauhan Resident of Village- Lagusa, P.S.- Raghunathpur, District- Siwan.
7. Mahanth Chauhan S/O Late Sheo Shankar Chauhan, Resident of Village- Lagusa, P.S.- Raghunathpur, District- Siwan.
8. Vishal Kumar Chauhan @ Vishal Chauhan S/O Mahanth Chauhan Resident of Village- Lagusa, P.S.- Raghunathpur, District- Siwan.
9. Kundlal Bhagat @ Kandlal S/O Deo Raj Bhagat, Resident of Village- Lagusa, P.S.- Raghunathpur, District- Siwan.
10. Rajan Kumar Bhagat @ Rajan Bhagat S/o Kandlal Bhagat, Resident of Village- Lagusa, P.S.- Raghunathpur, District- Siwan.
11. Rakesh Kumar Yadav, S/O Krishna Yadav, Resident of Village- Lagusa, P.S.- Raghunathpur, District- Siwan.

... .. Appellants.

Versus

The State of Bihar.

... .. Respondent.

Appearance :

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

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL



ORAL ORDER

4 14-08-2019 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 in short referred to as the 'SC/ST Act') against the refusal of prayer of anticipatory bail vide order dated 23.02.2019 passed by learned 1st Additional Sessions Judge cum Special Judge, Siwan in connection with Raghunathpur P.S. Case No. 196 of 2018 registered under Sections 147, 148, 149, 448, 323, 436, 427 and 504 of the Indian Penal Code and Section 3(1) (r), 3 (2) (va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

During course of regressing to the house by the informant from his field, all the appellants are said to have slated him in the name of caste and extended threatening of giving lesson in the evening and, on the said date, in the evening, they intruded into the house of the informant assaulted her three daughters and made them injured. Subsequently, around 2 AM in the night, they set ablaze his house by sprinkling kerosene oil consequently house hold articles reduced into ashes.



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 dirty village politics and animosity. There is no eye witness of slating the informant in the name of his caste. The allegation of assault levelled against the appellants is not specific rather general and omnibus in nature. There is no injury report in the case diary. I.O. has not found any sign of burning of the house of the informant or any burnt items at the place of occurrence. Appellants have no criminal antecedent.

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

In the facts and circumstances of the case, the above named appellants, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, 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 1st Additional Sessions Judge cum Special Judge, Siwan in connection with Raghunathpur P.S. Case No. 196 of 2018, subject to



the condition as laid down under Section 438 (2) of the
Cr.P.C.

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

(Prakash Chandra Jaiswal, J)

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