

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2010 of 2019**

Arising Out of PS. Case No.-129 Year-2018 Thana- SURYAPUR District- Rohtas

Chotu Chaudhary @ Pradeep Kumar S/o Jagnarayan Chaudhary R/o village-
Hunka Dih, P.S.- Suryapura, District- Rohtas at Sasaram

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Vijay Kumar Mishra
For the Respondent/s : Mrs. Usha Kumari 1

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

ORAL ORDER

5 02-08-2019 Heard learned counsel for the appellant and learned
Spl. PP for the State.

This is an appeal under Section 14(A)(2) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act against the refusal of prayer of anticipatory bail
vide order dated 28.02.2019 passed by learned 1st Addl. Sessions
Judge, Rohtas at Sasaram in Suryapura P.S. Case No. 129 of
2018, registered under Sections 341, 354(B), 506/34 of the
Indian Penal Code, Section 8 of POCSO Act and Section 3(i)(r)
(s) of the Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act.

While the minor daughter of the informant was
proceeding to her school, appellant along with two other named



accused persons started teasing and slating her and they also tried to get her embarked on the car and made videography of the said incident, and made its viral. Resultantly, the informant along with his daughter left the village at the cost of study of her daughter.

It is submitted by learned counsel for the appellant that no such occurrence as alleged ever took place. Allegation levelled against the appellant is not specific rather general and omnibus in nature. As there was none at the place of occurrence, so had the appellant and other accused persons intended to kidnap the minor daughter of the informant, they would have accomplished their aforesaid misdeed, but they did not do so. hence, the aforesaid aspect of the case creates serious doubt about the prosecution case. Moreover, the FIR has been lodged after abnormal and inordinate delay of around two and half months without assigning any plausible explanation for the same. Appellant has no criminal antecedent. Similarly situated co-accused, namely, Mithilesh Kumar Dubey @ Mithilesh Dubey and Akhilesh Kumar @ Akhilesh Dubey have been enlarged on anticipatory bail by a co-ordinate Bench of this Court vide order dated 21.05.2019 passed in Cr. Appeal (SJ) No. 1447 of 2019.



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

Having regard to the facts and circumstances of the case, let the above named appellant be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned 1st Addl. Sessions Judge, Rohtas at Sasaram in connection with Suryapura P.S. Case No. 129 of 2018, subject to the condition as laid down under Section 438 (2) of the Cr.P.C with further condition that the appellant will not commit such occurrence in future and extend threatening of any sort to the informant and her family members else his bail bond shall stand cancelled.

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

(Prakash Chandra Jaiswal, J)

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