

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2154 of 2019

Arising Out of PS. Case No.-19 Year-2017 Thana- SC/ST District- Purnia

1. Santosh Choudhary @ Santosh Kumar Choudhary Son of Ramakant Choudhary Resident of Mohalla-Sani Mandir, Gulabbagh, Ward No.37, Police Station-Sadar, District-Purnea.
2. Pawan Choudhary Son of Ramakant Choudhary Resident of Mohalla-Sani Mandir, Gulabbagh, Ward No.37, Police Station-Sadar, District-Purnea.
3. Pappu Choudhary @ Amit Kumar Jaiswal Son of Dinesh Kumar Jaiswal Resident of Mohalla-Sani Mandir, Gulabbagh, Ward No.37, Police Station-Sadar, District-Purnea.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Uday Chand Prasad
For the Respondent/s : Mrs. Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

6 26-08-2019 Heard learned counsel for the appellants, learned counsel for the informant as well as 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 23.04.2019 passed by learned 1st Addl. Sessions Judge cum Special Judge, SC/ST (PoA) Act, Purnea in SC/ST P.S. Case No. 19 of 2017 registered under Sections 341, 323, 504, 506/34 of the Indian Penal Code and Section 3(1)(r)(s)(g)



of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

When the informant arrived at his field, appellant Santosh Choudhary slated him in the name of his caste over not executing his aforesaid land to him and appellants Pawan Choudhary and Pappu Choudhary started assaulting him uttering to grab his land.

It is submitted by learned counsel for the appellants that no such occurrence as alleged ever took place. They have been falsely implicated in this case due to land dispute. Preceding to the case under hand, appellant no. 1 has filed Informatory Petition before the CJM, Purnea against informant. There is inordinate and abnormal delay of seven days in lodging the FIR without assigning any plausible and convincing reason for the said delay. Slating the informant in the name of his caste by the appellant Santosh Chaudhary is said to have been made in the field and there is no FIR named witness of the occurrence. Informant has not sustained any injury. Appellants have no criminal antecedent.

Learned Spl. PP for the State and learned counsel for the informant opposed the prayer for bail.

In the facts and circumstances of the case, let the



above named appellants be released on bail, in the event of their 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) each with two sureties of the like amount each to the satisfaction of learned 1st Addl. Sessions Judge cum Special Judge, SC/ST (PoA) Act, Purnea in connection with SC/ST P.S. Case No. 19 of 2017, subject to the 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)

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