

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4558 of 2018

Arising Out of PS. Case No.-31 Year-2018 Thana- SC/ST District- Katihar

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Krishna Narayan Choudhary @ Krish Narayan Choudhary Son of Late
Lakshmi Choudhary, Resident of Village- Roshna Bazar, P.S.- Pranpur,
District- Katihar.

... .. Appellant/s

Versus

1. The state of Bihar and Anr Bihar
2. Putul Devi Wife of Banbari Paswan, Resident of Village- Roshna Bazar,
P.S.- Pranpur, District- Katihar.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Satyendra Narayan
For the Respondent/s : Mr.Smt Usha Kumari No

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CORAM: HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA
ORAL ORDER

7 01-05-2019 Heard learned counsel for the parties.

This appeal under Section 14A(2) of the
Scheduled Caste and Scheduled Tribes (Prevention of
Atrocities) Act, 1989 has been directed against the order
dated 14.08.2018 passed by the 1st Additional Sessions
Judge, -cum- Special Judge SC/ST, Katihar in connection with
Katihar P.S. Case No. 31 of 2018 registered under Sections
323, 452, 380, 354 and 509 of the Indian Penal Code and
Section 3(i)(r)(s) of SC/ST (POA) Act, whereby the prayer for
pre-arrest bail of the appellants has been rejected.

Learned counsel appearing for the appellant
submits that the appellant, who is of clean antecedent, is
innocent and has not committed any offence. In fact, the



complaint has been lodged after one year from the date of occurrence without explaining the plausible delay, which creates doubt over the prosecution version. The parties are co-villagers and on account of Pranpur P.S. Case No. 34 of 2017, the appellant has falsely been made accused in this case. Hence, the appellant may be granted the privilege of pre-arrest bail.

Considering the facts and circumstances of the case, let the above named appellant in the event of his surrender within a period of four weeks be released on bail on furnishing bail bond of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned 1st Additional Sessions Judge, -cum- Special Judge, SC/ST, Katihar in connection with Katihar SC/ST P.S. Case No. 31 of 2018 subject to the conditions laid down under Section 438(2) of the Cr.P.C.

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

(Arvind Srivastava, J)

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