

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2975 of 2019**

Arising Out of PS. Case No.-21 Year-2019 Thana- PAUTHU District- Aurangabad

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1. SANDEEP CHAUDHARY S/o Nandu Chaudhary Resident of Village- Saira, P.S.- Pauthu, District- Aurangabad.
 2. Nandu Chaudhary S/o Late Magar Chaudhary Resident of village- Saira, P.S.- Pauthu, District- Aurangabad.
 3. Bhulan Chaudhary S/o Gopal Chaudhary Resident of village- Saira, P.S.- Pauthu, District- Aurangabad.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Bhaskar Shankar
For the Respondent/s : Mr.Usha Kumari 1

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

ORAL ORDER

2 24-07-2019 Learned counsel for the appellants seeks permission to withdraw this appeal in respect of appellant no.2 Nandu Chaudhary submitting that the appellant no.2 Nandu Chaudhary has been arrested during the pendency of this appeal.

Permission is granted.

Accordingly, this appeal is dismissed as withdrawn in respect of appellant no.2 Nandu Chaudhary only.

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 26.06.2019 passed by learned 1st Addl. Sessions Judge cum Special Judge, SC/ST Act, Aurangabad in Pauthu P.S. Case No. 21 of 2019 registered under Sections 341, 323 and 324/34 of the Indian Penal Code and Section 3(1)(r)(s)/3(2)(va) of the SC/ST Act.

While the informant along with his father and brother were proceeding to their village, accused Madan Chaudhary, appellants Sandeep Chaudhary, Nandu Chaudhary and Bhulan Chaudhary intercepted them. Madan Chaudhary caught hold his father and brother and assaulted them by means of knife while other accused persons assaulted them by means of danda slating them in the name of their case.

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 as goat of the informant had entered into Khalian of the appellants and appellants had ousted it from their khalian. The allegation levelled against the appellants is not specific rather general and omnibus in nature. Victim has sustained simple injury caused by hard and blunt substance. Hence they may be enlarged on bail.

On the other hand, learned Spl. PP for the State vehemently opposing the bail petition submitted that the



appellants have slated the informant in the name of his caste and assaulted him by means of danda and there is injury on the person of the victim, hence prima facie offence under SC/ST Act is made out against the appellants and anticipatory bail is barred by Section 18 of the SC/ST Act.

Having regard to the facts and circumstances of the case, I am not inclined to enlarge the appellant nos.1 and 3 on bail. Prayer for bail of the appellant nos. 1 and 3 is rejected.

However, appellant nos. 1 and 3 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 appellant nos. 1 and 3 on the very date of their surrender in accordance with law without being prejudiced by this order.

Accordingly this appeal is dismissed.

(Prakash Chandra Jaiswal, J)

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