

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3355 of 2019

Arising Out of PS. Case No.-101 Year-2019 Thana- GAURICHAK District- Patna

1. Lal Babu Chauhan Son of Late Sanichar Chauhan Resident of Village- Nihalchak, P.S.- Gaurichak, District- Patna.
2. Sidhi Chauhan Son of Umesh Chauhan Resident of Village- Nihalchak, P.S.- Gaurichak, District- Patna.
3. Subhash Chauhan Son of Mahendra Chauhan Resident of Village- Nihalchak, P.S.- Gaurichak, District- Patna.
4. Mahendra Chauhan So of Ram Chandar Chauhan Resident of Village- Nihalchak, P.S.- Gaurichak, District- Patna.
5. Vatasha Chauhan Son of Mahaveer Chauhan Resident of Village- Nihalchak, P.S.- Gaurichak, District- Patna.
6. Bauna Chauhan Son of Umesh Chauhan Resident of Village- Nihalchak, P.S.- Gaurichak, District- Patna.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Ramji Kumar

For the Respondent/s : Mr. Binay Krishna

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

3 15-10-2019 Heard learned counsel for the appellants 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 03.07.2019 passed by learned Addl. Sessions Judge-XIII-cum Special Judge SC/ST, Patna in Gaurichak P.S. Case No. 101 of 2019 registered under Sections 147, 148, 149,



447, 341, 323, 325, 353 of the Indian Penal Code and Section 3(1)(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Six named accused persons are said to have damaged boundary wall of Lakhna High School raised under supervision of the informant, and on protest made by the informant, co-accused Manish and Telha assaulted him by means of bat breaking his left knee. When his nephew Niraj rushed in his rescue, Kundan assaulted him by means of bat. Subsequently, aforesaid accused persons along with appellants Mahendra Chauhan, Lal Babu Chauhan and Subhash Chauhan arriving at the house of the informant slated him and his mother and wife. However, on intervention of the villagers, who arrived there after sometime, they left the scene.

It is submitted by learned counsel for the appellants that the appellants have no concern with the aforesaid occurrence. As a matter of fact, co-accused Kundan Chauhan has performed inter caste marriage with the niece of the informant in the year 2012 and in order to harass the appellants, who happen to be family members of said Kundan Chauhan, the informant has lodged this false and frivolous case against them. Appellants do not happen to be assailant. Allegation of slating



the informant and his family members is not specific rather general and omnibus in nature. Moreover, said slating is said to have been made at the house of the informant and not in the public view, hence, no offence under SC/ST Act is made out against the appellants. Appellants have no criminal antecedent.

Learned Spl. PP for the State 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 Addl. Sessions Judge-XIII-cum Special Judge SC/ST, Patna in Gaurichak P.S. Case No. 101 of 2019, 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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