

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3386 of 2019

Arising Out of PS. Case No.-55 Year-2019 Thana- SC/ST District- Araria

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1. Triveni Choudhary Son of Late Vishnu Choudhary @ Late Kishun Choudhary Resident of Village-Mainullapatti, Ward No.6, P.S.-Bhargama, District-Araria
 2. Shivan Choudhary Son of Triveni Choudhary Resident of Village-Mainullapatti, Ward No.6, P.S.-Bhargama, District-Araria
 3. Raja Kumar Choudhary @ Raja Choudhary Son of Shivan Choudhary Resident of Village-Mainullapatti, Ward No.6, P.S.-Bhargama, District-Araria
 4. Radha Devi Wife of Shivan Choudhary Resident of Village-Mainullapatti, Ward No.6, P.S.-Bhargama, District-Araria

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Manish Kumar
For the Respondent/s : Mr. Atul Chandra

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

5 16-10-2019 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 08.07.2019 passed by learned 1st Addl. Sessions Judge cum Special Judge, Araria in Araria (SC/ST) P.S. Case No. 55 of 2019 registered under Sections 147, 148, 323, 354B, 379, 504/34 of the Indian Penal Code and Section 3/4 of the



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

Six named accused persons including the appellants were carrying bamboo after felling from the land of the informant, and on protest made by the informant, appellant Raja Kumar Choudhary and Shivan Choudhary slated him in the name of his caste, and on the exhortation of appellant Triveni Choudhary, all the accused persons assaulted him by means of slap and fist shoving him on the ground. When his wife rushed in his rescue, appellant Raja Kumar shoved her on the ground holding her hair and dragged her and tore her attire while appellant Radha Devi snatched her golden locket.

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. As a matter of fact, appellant Triveni Choudhary has purchased land in question through registered sale deed in the year 1975. Appellant Shivan Choudhary has also filed a Complaint Case No. 445(C) of 2001 against the informant. Appellants have also filed a criminal case against the informant in the year 2008 which are pending disposal. Informant has not sustained any injury in the occurrence. There is 15 days delay in filing the



complaint petition without assigning any plausible explanation for the said delay which creates serious doubt about the prosecution case. Appellants have no criminal antecedent.

On the other hand, learned Spl. P.P. opposed the bail prayer.

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, Araria in Araria (SC/ST) P.S. Case No. 55 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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