

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3547 of 2019

Arising Out of PS. Case No.-369 Year-2019 Thana- BAGHA District- West Champaran

1. Bakey Chaudhary @ Bankey Chaudhary Son of Banhu Chaudhary Resident of Village- Pipriya, Police Station- Bagaha, District- West Champaran
2. Bihari Chaudhary Son of Banhu Chaudhary Resident of Village- Pipriya, Police Station- Bagaha, District- West Champaran
3. Lakshaman Chaudhary S/o Banhu Chaudhary Resident of Village- Pipriya, Police Station- Bagaha, District- West Champaran

... .. Appellant/s

Versus

The State Of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Anand Kishore Choudhary
For the Respondent/s	:	Mr.Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

4 01-10-2019 Learned counsel for the appellants seeks permission to withdraw the present appeal on behalf of the appellant No.3 Lakshaman Choudhary, submitting that the aforesaid appellant has been arrested during the pendency of this case.

Permission is granted.

Accordingly, the present appeal arising out of Barun P.S. Case No. 369 of 2019 is hereby dismissed as withdrawn against the appellant No. 3.

Heard learned counsel for the appellants appearing on behalf of the appellant No. 1 Bakey Chaudhary @ Bankey Chaudhary and appellant No. 2 Bihari Chaudhary and learned



Spl. P.P. for the State.

This is an appeal under Section 14 (A) (2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as the “SC/ST Act”) against the refusal of prayer for anticipatory bail vide order dated 18.07.2019 passed by learned 1st Additional Sessions Judge-cum-Special Judge (SC/ST) Act, Bettiah, West Champaran in connection with Bagaha P.S. Case No. 369 of 2019, registered under Sections 341, 323, 324, 379, 504/34 of the Indian Penal Code and also under Section 3 (i) (r) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

While son of the informant was proceeding to dump the garbage in the canal by bicycle accused Rahul Choudhary entered into altercation with him. Appellants surrounding the son of the informant assaulted him by means of lathi and broke his leg and snatched his mobile phone and cash Rs. 5000/-.

It is submitted by the learned counsel for the appellants that they have no concern with the aforesaid occurrence. They have been falsely implicated in this case due to petty dispute of dumping garbage. The allegation levelled against the appellants is not specific rather general and omnibus



in nature. Son of the informant has not sustained injury in the occurrence. There is inordinate delay of six days in lodging the F.I.R by the informant without giving any plausible explanation for the same. Parties to the case have entered into compromise. Appellants have no criminal antecedent.

Learned Spl. P.P. for the State opposed the prayer for bail.

In the facts and circumstances of the case, the above named appellants Bakey Chaudhary @ Bankey Chaudhary and Bihari Chaudhary are directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned 1st Addl. District & Sessions Judge cum Special Judge, Bettiah, West Champaran, in connection with Bagaha P.S. Case No. 369 of 2019, subject to condition as laid down under Section 438 (2) of the Cr.P.C.

Accordingly, the present appeal is disposed of.

(Prakash Chandra Jaiswal, J)

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