

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3701 of 2019**

Arising Out of PS. Case No.-63 Year-2018 Thana- SC/ST District- Kaimur (Bhabua)

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1. Jhunna Chaubey @ Krishna Kant Chaubey S/o Baban Chaubey R/o village-Dandwa, P.S.- Mohania, District- Kaimur (Bhabua)
 2. Teju Chaubey @ Tej Narayan Chaubey S/o Bachchan Chaubey R/o village-Dandwa, P.S.- Mohania, District- Kaimur (Bhabua)
 3. Gorakh Chaubey @ Gorakh Nath Chaubey S/o Late Basudev Chaubey R/o village- Dandwa, P.S.- Mohania, District- Kaimur (Bhabua)

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Kumar Sunil
For the Respondent/s : Mr. Binay Krishna

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

ORAL ORDER

4 25-10-2019 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 20.06.2019 passed by learned 1st Addl. Sessions Judge, Kaimur (Bhabhua) in SC/ST Bhabhua P.S. Case No. 63 of 2018 registered under Sections 341, 323, 354, 379, 504, 506/34 of the Indian Penal Code and Section 3(1)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of



Atrocities) Act.

Over flowing of drain water of the informant on the field of the appellants, appellants arriving at the door of the informant slated her in the name of her caste and assaulted her. When her daughter and sister rushed in her rescue, they also slated them in the name of their caste and assaulted them and snatched away Rs. 11,350/- from the purse of her husband, who arrived there during the course of occurrence and tried to pacify the matter.

It is submitted by learned counsel for the appellants that no such occurrence as alleged ever took place. Appellants have been falsely implicated in this case on protest made by the appellants on flowing of drain water by the informant in their field. Allegation levelled against the appellants is not specific rather general and omnibus in nature. There is inordinate delay of two days in lodging the FIR without assigning any plausible explanation for the said delay. Injury sustained by the victims is simple in nature. There is no allegation of slating the informant and others in the specific name of their caste against the appellants, hence, no offence under SC/ST Act is made out against the appellants. Allegation of theft is super addition. 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 1st Addl. Sessions
Judge, Kaimur (Bhabhua) in SC/ST Bhabhua P.S. Case No. 63
of 2018, 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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