

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3766 of 2019

Arising Out of PS. Case No.-12 Year-2018 Thana- SC/ST BAGHA District- West Champaran

1. HARI NARAYAN CHAUDHARY Son of Ramchandra Chaudhary Resident of Village- Churiharwa, P.S.- Nadi (Nainaha), District- West Champaran.
2. Naga Chaudhary Son of Ramchandra Chaudhary Resident of Village- Churiharwa, P.S.- Nadi (Nainaha), District- West Champaran.
3. Pramod Chaudhary Son of Ramchandra Chaudhary Resident of Village- Churiharwa, P.S.- Nadi (Nainaha), District- West Champaran.
4. Manoj Chaudhary @ Kamlesh Chaudhary Son of Sitaram Chaudhary Resident of Village- Churiharwa, P.S.- Nadi (Nainaha), District- West Champaran.
5. Anirudh Chaudhary Son of Sitaram Chaudhary Resident of Village- Churiharwa, P.S.- Nadi (Nainaha), District- West Champaran.
6. Sumitra Devi @ Srimati Devi Wife of Bunnilal Chaudhary Resident of Village- Churiharwa, P.S.- Nadi (Nainaha), District- West Champaran.
7. Sukhal Chaudhary Son of Bhutti Chaudhary Resident of Village- Churiharwa, P.S.- Nadi (Nainaha), District- West Champaran.

... .. Appellants.

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Brij Kishor Mishra
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 Special Public Prosecutor 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 in short referred to as the
'SC/ST Act') against the refusal of prayer of anticipatory bail



vide order dated 22.07.2019 passed by learned 1st Additional Sessions Judge cum Special Judge (SC/ST/POCSO Act), West Champaran at Bettiah in connection with Bagaha SC/ST P.S. Case No. 12 of 2018 registered under Sections 147, 149, 323, 379, 427, 504 & 506 of the Indian Penal Code and Section 3(1) (r) (s) (w) (f) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Over row of removing the nad and house fourteen accused persons including the appellants armed with weapon arrived at the house of the informant and appellant Hari Narayan Chaudhary started assaulting her slated her in the name of caste. All the accused persons assaulted her, her son and other family members. At the instigation of Hari Narayan Chaudhary and Bunni Lal Chaudhary, Pramod Chaudhary and Manoj Chaudhary took out Rs.3 lacs and ornaments of Rs.5000/- breaking open the box of the informant and all the accused made their good escape slating her in the name of her caste.

It is submitted by learned counsel for the appellants that the appellants have no concern with the aforesaid occurrence. They have been falsely implicated in the case due to dirty village politics. The allegation levelled



against the appellants is not specific rather general and omnibus in nature. Injury sustained by the victim is simple in nature. After investigation of the case, the I.O. has not submitted chargesheet against the appellants. There is inordinate delay of four days in lodging the F.I.R. without assigning any plausible explanation for the said delay. Slating the informant is said to have been made at the house of the informant and not in 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, the above named appellants, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, 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 Additional Sessions Judge cum Special Judge (SC/ST/POCSO Act), West Champaran at Bettiah in connection with Bagaha SC/ST P.S. Case No. 12 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
this appeal is allowed.

(Prakash Chandra Jaiswal, J)

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