

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3838 of 2019

Arising Out of PS. Case No.-132 Year-2019 Thana- BACHHWARA District- Begusarai

1. VIJAY CHAUDHARY Son of Late Bhundeshwar Chaudhary @ Bhuneshwar Chaudhary Resident of Village-Bachchwara, P.S-Bachchwara, District-Begusarai.
2. Ajay Chaudhary Son of Late Bhundeshwar Chaudhary @ Bhuneshwar Chaudhary Resident of Village-Bachchwara, P.S-Bachchwara, District-Begusarai.
3. Nikku Chaudhary @ Niku Kumar @ Niku Chaudhary Son of Vijay Chaudhary Resident of Village-Bachchwara, P.S-Bachchwara, District-Begusarai.

... .. Appellants.

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

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

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

3 27-09-2019 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 bail vide order dated 13.08.2019 passed by learned Special Judge SC/ST (POA) Act, Begusarai in connection with Bachchwara P.S. Case No. 132 of 2019 registered under Sections 354 B, 504 & 506 of the Indian Penal Code, Section 8 of POSCO and Section 3(1) (4) &



3 (2) (va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Co-accused Avinandan Kumar @ Chotu tried to outrage the modesty of the minor girl of the informant intruding into his house and on protest made by the informant appellants slated the informant and her daughter in their caste name and extended threatening of dire consequence on lodging case against them. They also confined them and did not allow to lodge the case.

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 this case merely because they happen to be father, uncle and brother of the co-accused Avinandan Kumar @ Chotu. There is no allegation of slating the informant and his daughter in the specific name of their caste, hence no offence under SC/ST Act is made out against the appellants. There is delay of 11 days in lodging the F.I.R. without assigning any plausible explanation for the said delay. Appellants have no criminal antecedent and have been languishing in custody since 13.08.2019.

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

In the facts and circumstances of the case, the



above named appellants 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 Special Judge SC/ST (POA) Act, Begusarai in connection with Bachchwara P.S. Case No. 132 of 2019.

Accordingly, the impugned order is set aside and this appeal is allowed.

(Prakash Chandra Jaiswal, J)

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