

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3811 of 2019

Arising Out of PS. Case No.-4 Year-2015 Thana- SC/ST BAGHA District- West Champaran

1. Binod Chaudhary Son of Vijaymal Chaudhary Resident of Village - Shivrajpur, P.S.- Bairoganj, District- West Champaran
2. Sanjay Singh Son of Ramprit Singh Resident of Village - Shivrajpur, P.S.- Bairoganj, District- West Champaran
3. Hari Narayan Singh Son of Late Singhasan Singh @ Singasan Singh Resident of Village - Padarkhap, P.S.- Bhairganj, District- West Champaran

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Bimlesh Kumar Pandey
For the Respondent/s : Mrs. Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

4 24-10-2019 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 01.08.2019 passed by learned 1st Addl. District & Sessions Judge-cum-Special Judge, Bettiah, West Champaran, in SC/ST Bagaha P.S. Case No. 4 of 2015 registered under Sections 147, 447, 341, 323, 385, 504 of the Indian Penal Code and Sections 3(1)(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.



Five named accused persons including the appellants arriving at the door of the informant started fencing his land located adjacent to his house. On protest made by the informant, they slated him and co-accused Mani Bhusan Singh and appellant Binod Chaudhary started assaulting him. In the meantime, his wife and daughter-in-law arrived there. They spat on the face of his wife and made his daughter-in-law leave the place assaulting her. They were also slating the informant in the name of his caste and demanded of Rs. 50,000/- as extortion else his land will be taken in the Brhamaasthan.

It is submitted by learned counsel for the appellants that no such occurrence as alleged ever took place. As a matter of fact, the land in question is Brhamaasthan and for managing the land and organizing worship there, the appellants and others had given Rs. 91,000/- to brother-in-law of the informant but, the said money was devoured by him. Resultantly, co-accused Braj Kishore Chaudhary has lodged Bhairoganj P.S. Case No. 389 of 2014 against brother-in-law of the informant, and subsequently, the matter was settled before Panches but, despite settlement, the informant has lodged this false and frivolous case against the appellants and others. Allegation levelled against the appellants is not specific rather general and omnibus



in nature. None has sustained injury in the occurrence. There is inordinate and abnormal delay of 27 days in lodging the FIR without assigning any explanation for the said delay, which creates serious doubt about the prosecution case. 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. District & Sessions Judge-cum-Special Judge, Bettiah, West Champaran, in SC/ST Bagaha P.S. Case No. 4 of 2015, 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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