

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4226 of 2019

Arising Out of PS. Case No.-110 Year-2015 Thana- CHOUTARWA District- West
Champaran

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1. Chandrika Khatik Son of Late Jagdish Khatik Resident of Village-Churiharwa, Police Station- Chautarwa, District- West Champaran.
 2. Umesh Khatik Son of Chandrika Khatik Resident of Village-Churiharwa, Police Station-Chautarwa, District-West Champaran.
 3. Jay Narayan Khatik Son of Late Singhasan Khatik Resident of Village-Churiharwa, Police Station-Chautarwa, District-West Champaran.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Sanjay Kumar No 7
For the Respondent/s : Mr. Binay Krishna

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

2 15-10-2019 Heard learned counsel for the appellants and learned
Spl. PP for the State.

This is an appeal under Section 14(A)(2) of the SC/ST Act against the refusal of prayer for anticipatory bail vide order dated 16.08.2019 passed by learned 1st Addl. District & Sessions Judge cum Special Judge, (SC/ST/POCSO) Bettiah, West Champaran in Chautarwa P.S. Case No. 110 of 2015 registered under Sections 341, 342, 323, 447 of the Indian Penal Code and Section 3(i)(x) of the SC/ST Act.

Over dispute ensued amongst children, appellants arriving at the house of the informant slated and assaulted his



wife by means of lathi and when his mother and sister rushed in her rescue, they also assaulted them.

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 over petty dispute ensued amongst the children. Allegation levelled against the appellants is not specific rather general and omnibus in nature. None has sustained injury in the occurrence. Learned lower court has also not mentioned about any injury in the impugned order after perusal of the case diary. There is no allegation of slating the wife of the informant in the name of her caste against the appellants, 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.

Having regard to 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 the learned 1st Addl. District



& Sessions Judge cum Special Judge, (SC/ST/POCSO) Bettiah,
West Champaran in Chautarwa P.S. Case No. 110 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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