

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4377 of 2019

Arising Out of PS. Case No.-257 Year-2016 Thana- BAIRIYA District- West Champaran

1. KAMAL CHAUDHARY S/o Late Sitaram Chaudhary R/o Village-Tumkariya, P.S.- Bairia, District- West Champaran
2. Sitaram Patel @ Sitaram Prasad S/o Gopal Patel R/o village- Ojhawaliya (Nayatola), P.S.- Bairia, District- West Champaran
3. Chandradeep Lodhi @ Chandradeep Mahato @ Chandip Mahto S/o Late Dashrath Mahato R/o village- Ojhawaliya (Nayatola), P.S.- Bairia, District- West Champaran
4. Kishun Chaudhary S/o Late Khudi Chaudhary R/o village- Siswa Saraiya, P.S.- Bairia, 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	:	Mr.Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

2 17-10-2019 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 07.08.2019 passed by learned 1st Addl. Sessions Judge cum Special Judge, West Champaran in Bairia P.S. Case No. 257 of 2016 registered under Sections 341, 323, 324, 379, 447, 504/34 of the Indian Penal Code and Section 3(i)(x) of the SC/ST Act.

Appellants intruding into the house of the informant



were slating the wife of the informant. When the informant arriving there forbade them from slating, Kamal Chaudhary slating him assaulted on his head by means of farsa. Appellants also took away cash of Rs. 3000/- from his house and ornaments of his wife. When the brother of the informant rushed in his rescue, Sitaram Patel assaulted on his head by means of rod. The bone of contention is said to be land dispute.

It is submitted by learned counsel for the appellants that the appellants have no concern with the aforesaid occurrence. As a matter of fact, appellant Sitaram Prasad has lodged Bairia P.S. Case No. 200 of 2016 against the informant and others in which chargesheet has been submitted against the accused persons and in order to save skin from the said case, informant has lodged this false and frivolous case against the appellants after inordinate and abnormal delay of 2 months 7 days without assigning any plausible explanation for the aforesaid delay. Victims have sustained simple injury in the occurrence. Slating the informant and his wife in the name of their caste is said to have been made inside the house of the informant and not in public view, hence no offence under SC/ST Act is made out against the appellants. Parties to the case have compromised the matter. 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. Sessions Judge cum Special Judge, West Champaran in connection with Bairia P.S. Case No. 257 of 2016, 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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