

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.4357 of 2019**

Arising Out of PS. Case No.-19 Year-2019 Thana- SC/ST District- Siwan

1. GOVINDA CHAUHAN @ GOVINDA KUMAR Son of Munna Chauhan Resident of Village - Patwa Toli, P.S.- Town, District - Siwan
2. Rajesh Chauhan @ Rajesh Prasad Son of Shivji Chauhan Resident of Village - Patwa Toli, P.S.- Town, District - Siwan
3. Ramesh Chauhan @ Ramesh Prasad Son of Shivji Chauhan @ Shivji Prasad Resident of Village - Patwa Toli, P.S.- Town, District - Siwan
4. Kanhaiya Chauhan @ Kanhaiya Lal Prasad Son of Bhrigunath Chauhan Resident of Village - Patwa Toli, P.S.- Town, District - Siwan
5. Uma Chauhan @ Uma Shankar Prasad Son of Saryug Chauhan Resident of Village - Patwa Toli, P.S.- Town, District - Siwan
6. Rishi Chauhan @ Rishi Kumar Son of Uma Chauhan @ Uma Shankar Prasad Resident of Village - Patwa Toli, P.S.- Town, District - Siwan

... .. Appellants.

Versus

The State of Bihar.

... .. Respondent/s

**Appearance :**

For the Appellant/s : Mr. Gajendra Kumar Singh  
For the Respondent/s : Mrs. Usha Kumari I

**CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL**

ORAL ORDER

2      17-10-2019                      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 29.07.2019 passed by learned 1<sup>st</sup> Additional Sessions Judge cum Special Judge, Siwan in connection with



Siwan SC/ST P.S. Case No.19 of 2019 registered under Sections 341, 323, 385, 504 & 506/34 of the Indian Penal Code and Section 3(1) (r) /3 (1) (s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

In course of constructing the house by the informant, seven named accused persons including the appellants descended there and started assaulting her sons by means of lathi and when the informant rushed in their rescue they also assaulted her and slated them in the name of caste and also demanded extortion of Rs.2 lacs extending threatening of dire consequence.

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 land dispute. There is case and counter case between the parties. The allegation levelled against the appellants is not specific rather general and omnibus in nature. None has sustained any injury in the occurrence. The learned lower Court has also not mentioned any injury in the impugned order after perusal of the case diary. There is inordinate delay of seven days in lodging the case without assigning any plausible 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, 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 1<sup>st</sup> Additional Sessions Judge cum Special Judge, Siwan in connection with Siwan SC/ST P.S. Case No.19 of 2019, 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)**

Trivedi/-

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