

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4420 of 2019**

Arising Out of PS. Case No.-600 Year-2018 Thana- SAMASTIPUR MUFFASIL District-
Samastipur

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1. BIPIN CHAUDHARI @ BIPIN KUMAR CHAUDHARI Son of Late Ram Nandan Chaudhari Resident of Village - Harpur Alauth, P.S.- Musarigharari, Distt.- Samastipur
 2. Mausham Chaudhari @ Mausham Kumar Chaudhari Son of Manoj Kumar Chaudhary (wrongly mentioned as Bipin Chaudhari @ Bipin Kumar Chaudhari) Resident of Village - Harpur Alauth, P.S.- Musarigharari, Distt.- Samastipur
 3. Binod Chaudhari @ Binod Kumar Chaudhari Son of Late Dinkar Chaudhary Resident of Village - Harpur Alauth, P.S.- Musarigharari, Distt.- Samastipur

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Mukesh Kumar No1
For the Respondent/s : Mr.Usha Kumari 1

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

ORAL ORDER

3 22-11-2019 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 04.09.2019 passed by learned 1st Addl. Sessions Judge, Samastipur in Samastipur (M) P.S. Case No. 600 of 2018 registered under Sections 323, 324, 341, 354, 379, 427, 504/34 of the Indian Penal Code and Section 3(i)(r)(s) of the SC/ST Act.



Over land dispute, six named accused persons including the appellants and 5-6 unknown miscreants damaged the tiled roof of the house of the informant slating him and on protest made by him appellant Bipin Chaudhary assaulted on the head of his wife by means of spade inflicting head injury to her. When the informant and his son rushed in her rescue, all the accused persons assaulted them by means of lathi and rod and appellant Binod Chaudhary took away Rs.10000/- from the pocket of the informant.

It is submitted by learned counsel for the appellants that no such occurrence as alleged ever took place. Appellants have been falsely implicated in the case due to admitted land dispute between the parties. The allegation levelled against the appellants is not specific rather general and omnibus in nature. Informant and his wife have sustained simple injury caused by hard and blunt substance and his son has not sustained any injury in the occurrence. There is no allegation of slating the informant and his family members in the name of their caste against the appellants, hence no offence under SC/ST Act is made out against the appellants. Allegation of theft is super addition.

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, Samastipur in connection with Samastipur (M) P.S. Case No. 600 of 2018, 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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