

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.4463 of 2019**

Arising Out of PS. Case No.-113 Year-2018 Thana- BEGUSARAI COMPLAINT CASE  
District- Begusarai

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1. Suresh Choudhary @ Suresh Chaudhary Son of Narayan Choudhary @ Narayan Chaudhary Resident of Village - Sirsi, P.S.- Khodawandpur, Distt - Begusarai.
  2. Rupesh Kumar @ Rupesh Choudhary @ Rupesh Chaudhary Son of Suresh Choudhary @ Suresh Chaudhary Resident of Village - Sirsi, P.S.- Khodawandpur, Distt - Begusarai.
  3. Mukesh Kumar @ Mukesh Choudhary @ Mukesh Chaudhary Son of Suresh Choudhary @ Suresh Chaudhary Resident of Village - Sirsi, P.S.- Khodawandpur, Distt - Begusarai.

... .. Appellant/s

Versus

1. The State of Bihar
2. Raj Kumar Ram Son of Late Rup Lal Mochi Resident of Village - Sirsi, P.S.- Khodawandpur, Distt - Begusarai.

... .. Respondent/s

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**Appearance :**

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| For the Appellant/s  | : | Mr. Suneil Kumar Thakur |
| For the Respondent/s | : | Mrs. Usha Kumari 1      |
| For the Informant    | : | Mr. Ram Sumiran Rai     |

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**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 Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act against the refusal of prayer for anticipatory bail vide order dated 20.08.2019 passed by learned Special Judge, SC/ST (PoA) Act, Begusarai in Complaint Case No. 113C of 2018 registered under Sections 323, 504, 307, 380, 386/34 of the Indian Penal Code, Section 27 of the Arms Act and Section



3(i)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

While the complainant was proceeding to purchase she-buffalo along with one Rizwan on bicycle, and on the way, he claimed passage by ringing bell, five named accused persons including the appellants slated him in the name of his caste, and on protest made by the complainant, they snatched his money worth Rs. 55,000/-. Appellant Mukesh resorted firing but, he left unhurt while Niraj and Rupesh assaulted him climbing on his chest.

It is submitted by learned counsel for the appellants that the appellants have no concern with the aforesaid occurrence. Allegation levelled against the appellants is not specific rather general and omnibus in nature. As a matter of fact, wife of appellant Suresh Chaudhary has lodged Khodawadpur P.S. Case No. 188 of 2018 against Md. Jawed and others preceding to the case under hand, and in order to save skin from the said case, father of said Jawed setting the complainant, who happens to be multi-litigant person lodged this false and frivolous case against the appellants and others. Companion of the complainant, namely, Md. Rizwan, who happens to be eyewitness of the case has not been made witness



in the complaint petition, which creates doubt about the prosecution case. Complainant has not sustained injury in the occurrence. Allegation of theft is super addition. There is delay of two days in filing the complaint petition without assigning any plausible explanation for the same. Appellants have no criminal antecedent.

Learned counsel for the informant and 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 the learned Special Judge, SC/ST (PoA) Act, Begusarai in Complaint Case No. 113C 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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