

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4693 of 2019**

Arising Out of PS. Case No.-110 Year-2018 Thana- GANGABRIDGE District- Vaishali

SONU KUMAR CHOUDHARY @ SUDHIR KUMAR S/o Tuntun
Choudhary Resident of Village- Sahdullahpur, P.S.- Ganga Bridge, District-
Vaishali.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Krishna Kumar

For the Respondent/s : Mr.Usha Kumari 1

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

ORAL ORDER

2 05-11-2019 Heard learned counsel for the appellant 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 18.09.2019 passed by learned 1st Additional
Sessions Judge cum Special Judge (SC/ST Act), Vaishali at
Hajipur in connection with Ganga Bridge P.S. Case No. 110 of
2018 registered under Sections 341, 323, 307, 354, 504, 506, 34
of the Indian Penal Code and Section 3(1) (r), 3 (1) (s) and 3(2)
(v) of the Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act.



While the son of the informant namely Rohit Kumar was sitting at his door, appellant and one named and 3-4 unknown miscreants started assaulting him in inebriated condition and when the informant rushed in his rescue, appellant tore her blouse and striped off her saree while co-accused Vikash Kumar assaulted on her head by means of khukhri and when Vivek Kumar rushed in his rescue, he also assaulted on his hand by the said weapon. On the intervention of the locals they left the scene resorting firing by the appellant.

It is submitted by learned counsel for the appellant that no such occurrence as alleged ever took place. He has been falsely implicated in the case due to dirty village politics. There is no allegation of slating Rohit Kumar in the name of his caste against the appellant and also he does not happen to be assailant. Injury sustained by the victims are simple in nature. Moreover, parties to the case have compromised the matter. There is delay of three days in lodging the F.I.R. without assigning any plausible explanation for the said delay. Appellant has 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 appellant, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned 1st Addl. Sessions Judge cum Special Judge (SC/ST Act), Vaishali at Hajipur in connection with Ganga Bridge P.S. Case No.110 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 this appeal is allowed.

(Prakash Chandra Jaiswal, J)

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