

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4895 of 2019

Arising Out of PS. Case No.-116 Year-2019 Thana- AGIAON BAZAR District- Bhojpur

1. Daroga Choudhary Son of Kedar Choudhary, Resident of Village - Motidih, P.S.- Agiaon Bazar, District - Bhojpur
2. Sheo Parsan Choudhary Son of Kedar Choudhary, Resident of Village - Motidih, P.S.- Agiaon Bazar, District - Bhojpur
3. Shivali Choudhary Son of Radhe Choudhary, Resident of Village - Motidih, P.S.- Agiaon Bazar, District - Bhojpur

... .. Appellants

Versus

The State of Bihar

... .. Respondent

Appearance :

For the Appellant/s : Mr.Om Prakash Upadhyay, Advocate
For the Respondent/s : Mr.Usha Kumari 1, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 16-12-2019 Heard learned counsel for the appellants and learned
Spl.P.P. for the State.

Appellants, in the present appeal, are challenging the order dated 23.09.2019 passed in A.B.P. No. 1819 of 2019 arising out of in SC/ST Case No. 131 of 2019 arising out of Agiaon Bazar P.S. Case No. 116 of 2019 registered under Sections 147, 149, 341, 323, 307, 504 of the Indian Penal Code and Sections 3(i)(r)/ 3(i) (s)/ 3 (2) (va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

By the impugned order the prayer for anticipatory bail of the appellants has been rejected by the learned 1st Additional



Sessions Judge, Bhojpur, Ara.

Learned counsel for the appellants submits that the co-accused Madan Choudhary had lodged a case being Agiaon Bazar P.S. Case No. 114 of 2019 on 09.08.2019 against the informant side and only in retaliation thereof the present FIR came to be lodged on 15.08.2019. It is further submitted that the instant case is glaring example of misuse of SC/ST Act and the informant under protection of the Act trying to save himself as well as his family members. Learned counsel also submits that apparently it is a case of dispute over the ploughing of field and collection of the charges for the same which the informant side is claiming and further that in the impugned order itself the learned Sessions Judge has not noticed any injury on the body of the informant and the allegation of causing injury seems to be only superfluous.

Learned Spl.P.P. for the State has opposed the prayer for anticipatory bail.

Considering the facts and circumstances of the case, wherein there is a case and counter case, the submission of learned counsel for the appellants is that the co-accused Madan Choudhary had lodged a case being Agiaon Bazar P.S. Case No. 114 of 2019 on 09.08.2019 against the informant side and only



in retaliation thereof the present FIR came to be lodged on 15.08.2019 and further submission that apparently it is a case of dispute over the plying of field and collection of the charges for the same which the informant side is claiming and further that in the impugned order itself the learned Sessions Judge has not noticed any injury on the body of the informant and the allegation of causing injury seems to be only superfluous, let the impugned order dated 23.09.2019 insofar as it relates to the appellants is set aside.

Let the appellants above named, in the event of their arrest or surrender within a period of four weeks from today be enlarged on bail on furnishing bail bonds of Rs. 15,000/- (fifteen thousand) each with two sureties of the like amount each to the satisfaction of learned 1st Additional Sessions Judge, Bhojpur, Ara in connection with SC/ST Case No. 131 of 2019 arising out of Agiaon Bazar P.S. Case No. 116 of 2019, subject to the condition as laid down under Section 438 (2) of the Cr.P.C. i.e. :

(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;

(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any



person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) a condition that the person shall not leave India without the previous permission of the Court.

(Rajeev Ranjan Prasad, J)

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