

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5421 of 2019

Arising Out of PS. Case No.-58 Year-2019 Thana- JIRADEI District- Siwan

Upendra Chauhan, Son of Chandrama Chauhan, Resident of Village -
Karnahu, P.S.- Ziradae, District- Siwan

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Ms.Sanjana, Advocate
For the Respondent/s : Mr.Binay Singh (APP)

CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

2 10-12-2019 Heard learned counsel for the appellant and the
learned counsel appearing on behalf of the State.

The appellant has preferred the present appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act against the order dated 20.11.2019 passed by the learned Additional Sessions Judge-I Cum Special Judge, Scheduled Caste & Scheduled Tribe (Prevention of Atrocities) Act, Siwan, in regular bail petition, arising out of Jeeradae P.S. Case No.58 of 2019, under Sections 147, 149, 447, 324, 307, 379, 504 of the Indian Penal Code and Section 3(i)(r)(s) of the aforesaid Act, whereby and whereunder the prayer for regular bail of the appellant was rejected. The appellant also prays for setting aside the aforesaid order dated 20.11.2019.



Learned counsel for the appellant submits that the appellant is one of the ten accused against whom case has been lodged making general and omnibus allegations. The allegation of assault is on all the accused persons, but there is no specific role assigned to the present appellant. It is further submitted that it was only because of bad blood between the parties that the present case has been lodged and the provisions of the SC/ST Act cannot be attracted as the same did not occur at a public place or in public view. The allegation regarding use of caste name is but a super-addition to make the charge graver.

Considering the aforementioned facts and circumstances and that no specific overt act has been attributed to the present appellant and that he has clean antecedents, let the appellant, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-I cum Special Judge, Scheduled Caste/Scheduled Tribe (Prevention of Atrocities) Act, Siwan, in connection with Jeeradae P.S. Case No.58 of 2019.

In the result, the appeal is allowed and the



impugned order dated 20.11.2019 is set aside.

(Anjana Mishra, J)

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