

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1487 of 2020

Arising Out of PS. Case No.-12 Year-2017 Thana- SC/ST District- Lakhisarai

1. SUNNY CHAWALA S/o Late Indrajeet Singh Resident of Ward No. 16, Town Lakhisarai, P.S.- Lakhisarai, District- Lakhisarai
2. Rohit Kumar @ Bittu S/o Sri Krishna Mohan Das Resident of Pachana Road, Ara Mill Gali, Shipuri Mohalla, Ward No. 16, Town , P.S.- Lakhisarai, District- Lakhisarai
3. Jitendra Kumar S/o Ashok Kumar Modi @ Ashok Kumar Resident of Town Lakhisarai, Pachana Road, Ara Mill Gali, Ward No. 16, P.S.- Lakhisarai, District- Lakhisarai

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Om Prakash Maharaj

For the Respondent/s : Mr. Sadanand Paswan, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 25-09-2020 Heard Mr. Om Prakash Maharaj, learned counsel for the appellants and Mr. Sadanand Pawswan, learned Spl. Public Prosecutor appearing for the State through video conferencing.

The present appeal is directed against the order dated 22.02.2020 passed in A.B.P. No. 176 of 2020 by learned Addl. District & Sessions Judge – I – cum- Special Judge, Lakhisarai in connection with Lakhisarai SC / ST P.S. Case No. 12 of 2017 registered under Section 341, 504 , 506 , 323 and 34 of the I.P.C. and section 3 (1) (r) (z) (v-a) of SC / ST Act whereby the



prayer for anticipatory bail of the appellants has been rejected.

The allegation against the appellants as per the First Information Report lodged by Chhotu Chaudhary stating therein that on the date of occurrence i.e. 29.03.2017 the appellants Sunny Chawala, Rohit Kumar @ Bittu, Jitendra Kumar along with other accused persons came at the house of informant and abused him by his caste name and threatened him of dire consequences if the informant would depose in favour of Krishna Mohan Das in Lakhisarai P.S. Case No. 77 of 2017 and also assaulted him. It has further been alleged that the co-accused Bittu Saw @ Navin Kumar took 5000/- from the pocket of the informant and threatened him not to depose in the case of Krishna Mohan Das otherwise entire family members would be ruined. It has also been alleged that on 07.04.2017 at about 8.00 P.M. the accused persons abused and assaulted him while he was returning back to his home.

Learned counsel for the appellants submits that appellants have falsely been implicated in this case with oblique motive. Learned counsel further submits that after thorough investigation Police submitted final form not sending the appellants for trial and the learned Special Judge while accepting the final form directed for initiation of the



prosecution against the informant under Section 182 and 211 of the I.P.C. vide order dated 27.08.2018 (Annexure - 7). Learned counsel for the appellants further submits that however learned Special Judge without any protest being made by the informant and without any material has taken cognizance against the appellants under Section 341 / 504 / 506 / 323 / 34 of the I.P.C. while differing with the final form by order dated 27.07.2019 (Annexure 9).

Having regard to the submissions made by the parties and taking into consideration the materials available on record, this appeal is allowed and the impugned order dated 22.02.2020 passed in A.B.P. No. 176 of 2020 in connection with Lakhisarai SC / ST P.S. Case No. 12 of 2017 by learned Addl. Sessions Judge - I – cum- Special Judge, Lakhisarai is set aside.

Accordingly, in the event of arrest or surrender by the appellants , above named, before the court below within six weeks from today, they shall be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Addl. Sessions Judge 1 - cum - Special Judge, Lakhisarai / court concerned in connection with Lakhisarai SC/ST P.S. Case No. 12 of 2017 subject to the condition as laid



down under Section 438 (2) of the Code Of Criminal Procedure.

It is made clear that at the time of furnishing bail bond
all the parties shall follow the guidelines regarding lockdown
and social distancing.

(Anil Kumar Sinha, J)

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