

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1769 of 2020

Arising Out of PS. Case No.-12 Year-2020 Thana- THAKRAHA District- West Champaran

1. RAVI CHAUHAN S/o Garjan Chauhan Resident of Village-Koirpatti, Police Station-Thakaraha, District-West Champaran.
2. Bhoj Chauhan S/o Jaleshar Chauhan Resident of Village-Koirpatti, Police Station-Thakaraha, District-West Champaran.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Mithilesh Kumar, Adv.

For the Respondent/s : Mr. Binay Krishna, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 21-12-2020 Heard learned counsel for the appellants and learned Special Public Prosecutor for the State, through video conferencing.

The instant appeal has been filed by the appellants against the order dated 28.5.2020 passed by the learned 1st Additional District and Sessions Judge-cum-Special Judge, SC/ST POCSO, Bettiah, West Champaran, whereby the prayer for bail of the appellants in connection with Thakraha P.S. Case No. 12 of 2020 registered under sections 307 and other sections of the Indian Penal Code and section 3(1)(r)(s) of the SC and ST (Prevention of Atrocities) Act, 1989, was rejected.

As per allegation in the FIR, it is stated that Rahul



Chauhan and Ravi Chauhan came to the agricultural field and started to misbehave with his daughter. On his son protesting, it is stated that Bhoj Chauhan struck his son on the head with a stick while others also assaulted.

It is submitted by learned counsel for the appellants that the allegations are false and concocted. No such occurrence has taken place. The appellants are in custody since 2.2.2020. They have no criminal antecedent.

The appeal is opposed by learned Spl. P.P. for the State who submits that from the injury report of the son of the informant, the injury attributable to Bhoj Chouhan is found to be grievous in nature.

Having heard learned counsel for the parties and taking into consideration the submissions made together with the injury on the son of the informant having been found to be grievous in nature, the Court is not inclined to allow the appeal and the appeal so far as the appellant no. 2 is concerned is rejected.

However, in the facts and circumstances of the case liberty is granted to appellant no. 2 to renew his prayer for bail after completing one year in custody.

The appeal so far as appellant no. 1 is concerned, is



allowed and the order impugned dated 28.5.2020 is set aside.

The appellant no. 1 is directed to be enlarged on bail in connection with Thakraha P.S. Case No. 12 of 2020 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 Additional District and Sessions Judge-cum-Special Judge SC/ST POCSO, Bettiah, West Champaran.

(Partha Sarthy, J)

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