

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1810 of 2020

Arising Out of PS. Case No.-20 Year-2020 Thana- KARJAIN District- Supaul

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1. MANNI LAL CHAUDHARI @ MANI LAL CHAUDHARI Son of Pitambar Chaudhari Resident of Village- Bauraha, Ward No.14, P.S.- Karzaine, District- Supaul.
 2. Shambhu Ram S/o Jitendra Ram Resident of Village- Bauraha, Ward No.14, P.S.- Karzaine, District- Supaul
 3. Chandu Ram Son of Asharfi Ram Resident of Village- Bauraha, Ward No.14, P.S.- Karzaine, District- Supaul.
 4. Santosh Ram S/o Chandu Ram Resident of Village- Bauraha, Ward No.14, P.S.- Karzaine, District- Supaul.
 5. Binod Ram S/o Khushilal Ram Resident of Village- Bauraha, Ward No.14, P.S.- Karzaine, District- Supaul.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Akhouri Vipin Bihari Shrivastava
For the Respondent/s : Mr. Special P.P.

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 27-11-2020 The present petition has been taken up for consideration through the mode of Video conferencing in view of the prevailing situation on account of COVID 19 Pandemic, requiring social distancing.

Heard the learned counsel appearing for the appellants and learned Special P.P. for the State.

At the outset, the learned counsel for the appellants seeks to withdraw the present appeal qua the appellants no. 2, 4 & 5.

Accordingly, the present appeal qua the appellants no. 2,



4 & 5 is dismissed as not pressed.

This is an appeal under Section 14(a)2 of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989 against the order dated 09.07.2020 passed by the learned Sessions Judge-I-cum-Special Court, Supaul in Anticipatory Bail Petition No. 498 of 2020 arising out of Karzaine P.S. Case No. 20 of 2020 registered under Sections 147, 148, 149, 353, 504, 506, 307 and 379/34 of the Indian Penal Code and Section 30(i) (r) of the SC/ST Act, whereby and whereunder the prayer of the appellants for grant of anticipatory bail has been refused.

The allegation is regarding the accused persons having intercepted the informant, who is a teacher in the Primary School in question and who was being harassed by the accused persons as also demand for extortion money was being made from him whereupon the informant had told them that he would make complaint to the senior officials. Thereafter, the said accused persons are alleged to have surrounded the informant and as far as co-accused person namely Chhote Lal Choudhary is concerned, he is stated to have abused the informant by taking his caste name and the appellant no. 3 is stated to have assaulted the informant and then the co-accused person namely Kirtanand Ram had also assaulted the son of the informant.



The learned counsel for the appellants submits that as far as the appellants no. 1 & 3 are concerned, they are innocent, have been falsely implicated in the present case and are having a clean antecedent. It is further submitted that there is no allegation, as against the appellants no. 1 & 3, of having abused the informant by taking his caste name and moreover the appellant no. 1 has not been alleged to have assaulted either the informant or his son, however, it has been alleged that the appellant no. 3 has assaulted the informant but the fact is that the appellant no. 3 is 80 years old and it cannot be visualized that he would assault anyone, hence no offence is made out as alleged by the informant under the provisions of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989

Per contra, the learned Special P.P. for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions and taking into account the fact that there is no allegation of the appellants no. 1 & 3 of having abused the informant or his son by taking their caste name and moreover, considering the fact that there is no allegation of any sort of overt act as far as the appellant no. 1 is concerned and as far as the appellant no. 3 is concerned, he is stated to be 80 years



old person, I deem it fit and proper to admit the appellants no. 1 & 3 to the privilege of anticipatory bail.

Accordingly, the appellants no. 1 & 3, above named, are directed to be released on anticipatory bail in the event of their arrest/surrender before the court below within a period of four weeks from todayon furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned 1st Additional District & Sessions Judge-cum-Special Judge, Supaul in connection with Karzaine P.S. Case No. 20 of 2020, SC/ST Case No. 18 of 2020, subject to the conditions as stipulated under Section 438(2) of the Code of Criminal Procedure.

Consequently the impugned order dated 09.07.2020 passed by the learned Sessions Judge-I-cum-Special Court, Supaul in Anticipatory Bail Petition No. 498 of 2020 arising out of Karzaine P.S. Case No. 20 of 2020, is set aside.

The Appeal stands allowed.

(Mohit Kumar Shah, J)

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