

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3810 of 2019**

Arising Out of PS. Case No.-77 Year-2018 Thana- CHANDI District- Bhojpur

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1. Shiv Kumar Chaudhary @ Kabutar Chaudhary, Son of Ram Babu Chaudhary, Resident of Village - Farangpur, P.S.- Chandi, District- Bhojpur
 2. Jai Prakash Chaudhary @ Bhanu Choudhary, Son of Ram Babu Chaudhary Resident of Village - Farangpur, P.S.- Chandi, District- Bhojpur

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Sucheta Yadav

For the Respondent/s : Mr.Usha Kumari 1

**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

3 06-01-2020 Heard learned counsel for the parties.

This appeal, under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, has been filed against the order dated 14.05.2019 passed in A.B.P. No. 283/2019, whereby the learned Ist Additional Sessions Judge, Bhojpur, Ara, rejected the pre-arrest bail of the appellants in connection with Chandi P.S. Case No. 77 of 2018 for the offence punishable under Sections 341, 323, 354 and 506/34 of the Indian Penal Code and Sections 3(1)(a)(s)(w)(i) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

The persecution case is that on 14.06.2018, informant



Kiran Devi, had gone in the field for cutting the grass and after cutting the grass, she requested to her co-villager, Gopal Choudhary for helping her in keeping bundles of grass. At that time, Gopal Choudhary tried to outrage her modesty but she made protest and came to her house. Thereafter, she along with her family members went at the house of Gopal Choudhary, where both appellants and Gopal Choudhary started to abuse denoting her caste “Dusad” and giving threatening to kill her husband.

Learned counsel for the appellants submits that while the allegation of outraging modesty of informant is against Gopal Choudhary, who is said to be uncle of the appellants, in fact, only allegation has been made against both appellants to starting abuse and denoting caste name, when the informant along with her family members came at the house of Gopal Choudhary. Further submission is that since both informant and appellants belong to Schedule Caste, hence, offence under Section Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act has not been made out.

Accordingly, the impugned order dated 14.05.2019 passed in ABP No. 283 of 2019 in connection with Chandi P.S. Case No. 77 of 2018(SC/ST 151 of 2018) is set aside and this



appeal stands allowed. Let the appellants above named be released on bail, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-I, Bhojpur, Ara, in connection with Chandi P.S. Case No. 77 of 2018, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

(Rajendra Kumar Mishra, J)

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