

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.203 of 2020

Arising Out of PS. Case No.-16 Year-2017 Thana- SURSAND District- Sitamarhi

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Guddu Chaubey @ Jitendra Kumar @ Jitendra Kumar Chaubey @ Jitendra Chaubey, M, aged about 33 years, Son of Asheshwar Chaubey, Resident of Village Karuna, P.S Sursand, District Sitamarhi.

... .. Appellant/s

Versus

The State of Bihar.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Dinesh Jha

For the Respondent/s : Mr.Usha Kumari 1

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

4 08-03-2021 Heard Mr. Dinesh Jha, the learned counsel for the appellant and the learned Special P.P.

The appellant filed this appeal under Section 14(A)(2) of the SC/ST Act against the order dated 28.06.2019, passed in ABP No.1219 of 2019/119 of 2019 by which the learned Special Judge, SC/ST Act rejected the prayer for anticipatory bail of the appellant in Sursand P.S. Case No.16 of 2017, registered under Sections 341, 323, 504, 506 and 279 of the Indian Penal Code and under Section 3(i)(r)(s) of the SC/ST Act.

The informant alleged that while he was going to Sursand on his bicycle, Guddu Chaubey, the appellant, dashed him from his motorcycle. The informant fell down on the ground and asked the reasons from the appellant for dashing him. Thereupon the appellant is said to have assaulted the informant with fists and slaps. When the informant went to the house of the appellant to complain, the appellant is also said to have abused and assaulted the informant with fists and slaps.

Learned counsel for the appellant submits that the



occurrence took place on 23.01.2017, but the FIR was lodged only on 25.01.2017. The informant did not explain two days' delay in lodging the FIR. It is further submitted that the informant is in the habit of lodging such false case, but when the learned counsel for the appellant was directed to produce such FIR instituted by the informant, the appellant did not file any supplementary affidavit showing any other case filed by the informant.

Of course, it appears that it is the case of accident on account of negligence in driving, but when the informant asked about the reasons of dashing, the appellant is said to have abused and assaulted the informant with fists and slaps and this fact itself shows the desperateness of the appellant in treating the members of the scheduled caste.

Taking into consideration the facts aforesaid, I am not inclined to enlarge the appellant on anticipatory bail. Accordingly, the prayer for anticipatory bail of the appellant is rejected.

Consequently, the appeal is dismissed.

If the appellant surrenders in the court below, the learned court below shall consider the prayer for regular bail of the appellant on its own merit preferably on the same day without being prejudiced by the order of this Court.

(Prabhat Kumar Jha, J)

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