

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1361 of 2021

Arising Out of PS. Case No.-20 Year-2019 Thana- CHOUTARWA District- West Champaran

DAMODAR CHAUBEY, Male, aged about 46 years, Son of Late Kanhaiya Chaubey, Resident of Village-Ahirwaliya, P.O.- Lagunaha, P.S.- Chautarwa, Distt.- West Champaran.

... .. Appellant

Versus

The State of Bihar

... .. Respondent

Appearance :

For the Appellant : Mr. Shiv Kumar Dwivedy, Advocate.
For the Respondent : Mrs.Usha Kumari No. 1, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 27-05-2021 Heard learned counsel for the appellant and learned Special P.P. for the State through Virtual mode.

Learned counsel for the appellant is directed to remove the defects, as pointed out by the office, within a period of four weeks from the date of restoration of normalcy.

The matter relates to grant of anticipatory bail to the appellant in connection with Chautarwa P.S. Case No. 20/2020, registered for the offences under Sections 341, 447, 504 of the I.P.C. and 3(1)(r) (s) and (f) of the SC/ST (Prevention of Atrocities) Act.

The prosecution case, in short, is that on 16.01.2019 at about 8.30 A.M., the informant was doing work in his house, in the meantime, the appellant being a member of forward caste



came there and stopped the work. On refusal, there was exchange of hot words between them. Thereafter, the appellant caught the collar of the informant and told him that the informant being an untouchable caste could not obey his order, he would kill him. It is further stated that earlier the informant was misbehaved by the appellant and the informant's land was forcibly grabbed by the appellant.

It has been submitted on behalf of the appellant that the appellant has got no criminal antecedent. He has falsely been implicated in the present case. There is no allegation of tampering with the witnesses alleged against him. After investigation, the police has submitted final form finding the allegation made in the F.I.R. to be false but the learned court below differed with the same and took cognizance against him. The alleged occurrence has not taken place in public view. Hence, no offence under SC/ST Act is attracted in the present case.

On behalf of the State, it is submitted that the appellant is named in the F.I.R.

In view of the aforesaid facts and circumstances, the order dated 05.01.2021, passed in connection with Chautarwa P.S. Case No. 20/2020 by learned Additional District and



Sessions Judge-Ist-cum-Special Judge, SC/ST Act, Bettiah, West Champaran, is set aside. The criminal appeal is allowed.

Let the appellant above named, in the event of arrest or surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on his personal bond to the satisfaction of the learned Additional District and Sessions Judge-Ist-cum-Special Judge, SC/ST Act, Bettiah, West Champaran, in connection with Chautarwa P.S. Case No. 20/2020.

Once the normalcy is restored, the appellant shall furnish bail bonds of Rs. 10,000/-(Rupees Ten Thousand) with two sureties of the like amount each within a period of eight weeks to the satisfaction of the court concerned in connection with the aforesaid case.

(Sudhir Singh, J)

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