

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1738 of 2021

Arising Out of PS. Case No.-140 Year-2020 Thana- NARHATT District- Nawada

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1. BASANTI DEVI, Wife of Umesh Chauhan Resident of Village - Punaul,
P.S.- Narhat, District - Nawada.
 2. Umesh Chauhan, Son of Late Chetu Chauhan Resident of Village - Punaul,
P.S.- Narhat, District - Nawada.
 3. Jamuniya Devi, Wife of Rajendra Chauhan Resident of Village - Punaul,
P.S.- Narhat, District - Nawada.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Pramod Kumar Verma
For the Respondent/s : Mr. SPP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

3 02-09-2021 Heard Dr. Alok Kumar Alok, learned Advocate

for the appellants and Mr. Sadanand Paswan, learned

Special Public Prosecutor for the State.

The appellants have challenged the order dated

12.11.2020, passed by the learned Additional District

and Sessions Judge 1st cum Special Judge, SC/ST (POA)



Act, Nawada, in A.B.P. No. 978 of 2020, arising out of Narhat P. S. Case No. 140 of 2020, whereby the prayer made on behalf of the appellants for grant of anticipatory bail for the offences punishable under Sections 341, 323, 354, 379, 504, 506 and 34 of the Indian Penal Code and Section 3(1)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, has been rejected.

The accusation in the F.I.R. is of abusing, demeaning and assaulting the members of the prosecution party.

The learned counsel for the appellants has submitted that the daughter of the appellant had earlier filed a case against the son of the informant under Section 376(c) of the Indian Penal Code along with other ancillary Sections. The present case is only in retaliation of the aforesaid case.

Apart from this, it has been submitted that the accusations in the F.I.R. do not make out any case



against the appellants.

The offence under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 also does not appear to have been made out as the allegations are highly exaggerated.

For the afore-stated reasons, the order dated 12.11.2020, passed by the learned Additional District and Sessions Judge 1st cum Special Judge, SC/ST (POA) Act, Nawada, is set aside.

The appeal stands allowed.

The appellants, above-named, are directed to be released on bail, in the event of their arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on their furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional District and Sessions Judge 1st cum Special Judge, SC/ST (POA) Act, Nawada, in connection with



Narhat P. S. Case No. 140 of 2020, subject to the
conditions as laid down under Section 438 (2) Cr.P.C.

(Ashutosh Kumar, J)

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