

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1786 of 2021**

Arising Out of PS. Case No.-175 Year-2020 Thana- DAUDPUR District- Saran

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1. SANTANU CHAURASIA S/O RAJENDRA CHAURASIA RESIDENT OF VILLAGE BAREJA FAROSAH, P.S. DAUDPUR, DISTRICT- SARAN AT CHAPRA.
 2. SONU KUMAR CHAURASIA @ SONU CHAURASIA S/O RAJENDRA CHAURASIA RESIDENT OF VILLAGE BAREJA FAROSAH, P.S. DAUDPUR, DISTRICT- SARAN AT CHAPRA.

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Chandra Mohan Jha, Adv.
For the Respondent/s : Mr. Sadanand Paswan, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

3 02-09-2021 Heard Mr. Chandra Mohan Jha, the learned Advocate for the appellants and Mr. Sadanand Paswan, the learned Special Public Prosecutor for the State.

The appellants have challenged the order dated 16.12.2020 passed by the learned Additional Sessions Judge-1st-cum-Special Judge, SC/ST (POA) Act, Saran at Chapra in connection with Daudpur P. S. Case No.175 of 2020, instituted for the offences under Sections 341, 323, 324, 379, 427, 34 of the Indian Penal Code and Section 3(i) (va) of the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act, 1989, whereby their prayer



for grant of anticipatory bail has been rejected.

The accusation in the First Information Report is when the son of the informant was bathing at public tap, he was forbidden from doing so and was also assaulted. The main accusation of assault on the informant is on Rajeshwar Chaurasia. The appellant no. 1 is said to have assaulted the son of the informant by means of *Bhala* on his arm. The injuries suffered by the victim are not serious and precisely for this reason, section 307 of the Indian Penal Code has not been added. The accusation with respect to the offence under SC/ST (Prevention of Atrocities), Act, it has been argued, is highly exaggerated and only for the purposes of giving a serious look to the case. Apart from this, it has been submitted that a petty dispute has been given the colour of a dispute between the two communities.

For the reasons afore-stated, the order dated 16.12.2020 passed by the learned Additional Sessions Judge-1st-cum-Special Judge, SC/ST (POA) Act, Saran at Chapra, is set aside.

The provisional bail granted to the appellants vide



order dated 13.07.2021, is hereby confirmed.

The appellants shall remain on the same bail
bonds.

The appeal stands disposed of accordingly.

(Ashutosh Kumar, J)

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