

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.916 of 2020

Arising Out of PS. Case No.-23 Year-2019 Thana- SC/ST District- Purnia

1. Pramod Chandra Choudhary @ Pramod Chand Choudhary, Aged About 56 Years S/O Late Surya Narayan Choudhary R/O Mohalla- Gokul Krishna Ashram Road, Subhash Nagar, House No. 112, P.S.- K. Hat (Sahayak), District- Purnea
2. Jitendra Kumar @ Mikku Aged About 25 Years S/O Pramod Chandra Choudhary @ Pramod Chand Choudhary R/O Mohalla- Gokul Krishna Ashram Road, Subhash Nagar, House No. 112, P.S.- K. Hat (Sahayak), District- Purnea

... .. Appellants

Versus

The State of Bihar

... .. Respondent

Appearance :

For the Appellants	:	Mr.Ram Prawesh Kumar, Advocate
For the Respondent	:	Mr.Sadanand Paswan, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

7 08-02-2021 Heard learned counsel for the appellants and the State.

The present appeal is directed against the order dated 18.12.2019 passed by learned Additional Sessions Judge – III cum Special Judge, Bhagalpur in a case registered for the offence punishable under Sections 420/406 of the Indian Penal Code, section 138 of the Negotiable Instruments Act and Section 3 (r) (s) of the SC/ST Act, whereby anticipatory bail of the appellants has been rejected.

As per the prosecution case, the informant presented a cheque of 2 lacs issued by appellant no.1 but the same bounced on 30.7.2018 due to insufficiency of fund and when she went to



the house of appellant no.1 and made a complaint to this effect, all the accused persons abused her by calling caste name. On 10.8.2018, complainant sent a pleader notice to the appellants. In retaliation, on 12.9.2018 appellants and other four persons, armed with weapons, went to the house of the complainant and abused her calling the caste name.

Learned counsel for the appellants submits that appellant no.1 is a teacher in the Government school and appellant no.2 is his son. Occurrence is of 12.9.2018, whereas complaint was lodged on 1.11.2018 without explanation of delay. No offence under the SC/ST Act is made out against the appellants. Appellants have got no criminal antecedent as stated in paragraph 3 of the appeal.

Learned counsel for the state on the other hand opposes the prayer for bail.

Having regard to the submissions made by the parties and taking into consideration the materials available on record, this appeal is allowed and the impugned order dated 18.12.2019 is set aside.

Accordingly, in the event of arrest or surrender by the appellants, above named, before the court below within eight weeks from today, they shall be released on anticipatory bail on



furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of Additional Sessions Judge I cum Special Judge, SC/ST Act, Purnea in SC/ST Case No. 23/2019.

(Prabhat Kumar Singh, J)

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