

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2973 of 2021

Arising Out of PS. Case No.-81 Year-2021 Thana- HAJIPUR SADAR District- Vaishali

CHAUDHARY ANIL KUMAR, S/O SHIVNATH CHAUDHARY @
SHIVNATH PRASAD CHAUDHRY R/o- Hathsarganj, Hajipur, P.S.-
Hajipur, District- Vaishali, Bihar

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Prakash Chandra
For the Respondent/s : Mr. Binay Krishna

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 04-08-2021 Heard Mr. Prakash Chandra, learned Advocate

for the appellant and Mr. Binay Krishna, learned Special

Public Prosecutor for the State.

The appellant has challenged the order, dated

17.03.2021, passed by the learned Additional Sessions

Judge – 1 (Special Judge, SC/ST (POA) Act), Vaishali at

Hajipur, in connection with ABP No. 724 of 2021, arising

out of Hajipur Sadar P. S. Case No. 81 of 2021,

whereby the prayer made on behalf of the appellant for

grant of anticipatory bail for the offences punishable

under Sections 147, 148, 149, 341, 323, 307, 386,



420, 504 and 506 of the Indian Penal Code; Section 27 of the Arms Act, 1959; and Sections 3 (i) (r) (s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, has been rejected.

The accusation against the appellant and two others is of having abused and assaulted the informant and his two friends.

The learned counsel for the appellant has submitted that the informant is none else but an employee of Sri Ram Construction. A construction is going on over the land which is contiguous to the land of the brother of the appellant. The construction company of which the informant is an employee desires that the said land of the brother of the appellant be also sold so that there would be one big plot for the construction company to carry on the construction work.

Precisely for this reason, it has been urged, such an accusation has been levelled against the appellant and his associates at the instance of the



construction company.

The appellant has got no idea whatsoever about the caste of the informant or the reason why this case has been lodged.

Assuming but not admitting every accusation in the F.I.R. to be true, it has been urged that in the aforesaid background, the offence under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 would not at all be made out as against the appellant.

For the reasons afore-stated and taking into account that the appellant has no criminal antecedents, the order dated 17.03.2021, passed by the learned Additional Sessions Judge – 1 (Special Judge, SC/ST (POA) Act), Vaishali at Hajipur, is set aside.

The appeal stands allowed.

The appellant, above-named, is directed to be released on bail, in the event of his 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 his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge – 1 (Special Judge, SC/ST (POA) Act), Vaishali at Hajipur in connection with Hajipur Sadar P. S. Case No. 81 of 2021, subject to the conditions as laid down under Section 438 (2) Cr.P.C.

(Ashutosh Kumar, J)

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