

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.191 of 2021**

Arising Out of PS. Case No.-140 Year-2020 Thana- MOHIUDDIN NAGAR District-
Samastipur

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1. MANISH CHOUDHARY Son of Raudi Choudhary Resident of Village - Bhadaiya, P.S.- Mohiuddin Nagar, Distt.- Samastipur.
 2. Raudi Choudhary Son of Mune Choudhary Resident of Village - Bhadaiya, P.S.- Mohiuddin Nagar, Distt.- Samastipur.
 3. Ankit Choudhary Son of Sudhir Choudhary @ Sudhir Kumar Chaudhary Resident of Village - Bhadaiya, P.S.- Mohiuddin Nagar, Distt.- Samastipur.
 4. Bambam Choudhary Son of Sudhir Choudhary @ Sudhir Kumar Chaudhary Resident of Village - Bhadaiya, P.S.- Mohiuddin Nagar, Distt.- Samastipur.
 5. Rahul Choudhary Son of Aklu Choudhary Resident of Village - Bhadaiya, P.S.- Mohiuddin Nagar, Distt.- Samastipur.

... .. Appellant/s

Versus

The State of Bihar Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Suneil Kumar Thakur, Advocate
For the Respondent/s : Ms. Usha Kumari, Spl. PP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 26-07-2021 Heard Mr. Suneil Kumar Thakur, learned counsel for the appellants and Ms. Usha Kumari-I, learned Spl. PP for the State.

The appellants have challenged the order dated 21.09.2020 passed by the learned 1st Additional Sessions Judge, Samastipur in A.B.P. No. 1566 of 2020 arising out of Mohiuddin Nagar P.S. Case No. 140 of 2020, whereby the prayer made on behalf of the appellants for grant of pre-arrest bail for the offences under Sections 147, 149, 341, 323, 324, 504 and 506



of the Indian Penal Code and Sections 3(1)(r)(s) of the SC/ST (Prevention of Atrocities) Act has been rejected.

The appellants are said to have assaulted the informant by means of lathi and danda. Co-accused Chotu Choudhary, who is not the appellant before this Court, is said to have assaulted the informant by means of a farsa. He was apprehended by the villagers. So far as the appellants are concerned, they have been made accused, it has been argued, only because of enmity.

The dispute between the parties is actually with respect to wrongful reaping of crops by the prosecution party from the land of the appellants. The occurrence arose because of such dispute but deliberately the provisions of SC/ST (Prevention of Atrocities) Act have been invoked. It has been urged that no such occurrence as reported in the FIR ever took place.

For the aforesaid reasons, learned counsel for the appellants submits that no offence under the SC/ST (Prevention of Atrocities) Act can at all be said to have been made out against them.

Taking into account the aforesaid reasons, the order dated 21.09.2020 is set aside.

The appeal stands allowed.

On the appellants surrendering before the court below within a period of eight weeks, they shall be



released on bail 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 1st Additional Sessions Judge, Samastipur in A.B.P. No. 1566 of 2020 arising out of Mohiuddin Nagar P.S. Case No. 140 of 2020.

(Ashutosh Kumar, J)

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