

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No 899 of 2021**

Arising Out of PS. Case No.-99 Year-2020 Thana- NAUTAN District- Siwan

LAL BAHADUR CHAUHAN @ LAL BAHADUR MAHTO Son of Late
Sadhu Mahto Resident of Village- Galimapur, P.S.- Nautan, Distt- Siwan.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr Prakash Chandra Jha, Advocate
For the Respondent/s : Mr Sadanand Paswan, Special PP

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

Date : 21-09-2021

This case has been listed today for consideration through
Video Conferencing.

2 Heard learned counsel for the appellant, learned
counsel for the informant as well as the learned Special Public
Prosecutor (for brevity, *Special PP*) appearing for the State of
Bihar.

3 The appellant has preferred the present Appeal under
Section 14 - A (2) of Scheduled Castes and Scheduled Tribes
(Prevention of Atrocities) Amendment Act (for brevity, *SC/ST Act*)
against the refusal of his prayer for regular bail vide order dated
02.12.2020 passed by Additional Sessions Judge I -cum- Special
Judge, Siwan in a case registered under Sections 147, 148, 149,



341, 354, 307, 302, 504, 506, 509 of Indian Penal Code and Sections 3 (2) (v) of SC/ST Act in connection with Nautan Police Station (for brevity, *PS*) Case No 99 of 2020.

4 There is allegation of indiscriminate assault. Specific allegation against the appellant is that female family members have handed a sword to him. Thereafter, he assaulted the deceased and one Harendra Sharma.

5 Learned counsel for the appellant submits that the injury, sustained by the deceased, was by a hard and blunt substance. Submission is that wife of the deceased, during investigation, has consciously omitted to name the appellant while she was examined. She has cast liability of the fatal assault on co-accused Ajay Chauhan. The appellant has remained in custody since 21.07.2020. It is further submitted that there is a case and counter case arising out of the same transaction. A free fight has taken place between the parties. The appellant has lodged Nautan PS Case No 100 of 2020 wherein several persons, from the accused side, have also sustained injuries. The injury report has been annexed by way of supplementary affidavit wherein some of the named accused persons are shown to have sustained injuries. It is also submitted that the appellant has five criminal antecedents, four of which are from long back and the fifth is a recent



antecedent. The same appears to be arising out of the instant dispute between the parties.

6 Learned counsel for the informant, along with learned Special PP, has opposed the prayer for bail. He has submitted that specific assault, attributed to the appellant, stands corroborated inasmuch as the deceased has been found to have sustained head injuries. The appellant also has criminal antecedents.

7 In my opinion, in view of nature of accusation in the First Information Report, and submission of parties, a case for grant of regular bail is made out. The impugned order dated 02.12.2020 requires interference by this Court, which is, accordingly, set aside.

8 This appeal is allowed. The impugned order dated 02.12.2020 passed by Additional Sessions Judge I -cum- Special Judge, Siwan in connection with Nautan PS Case No 99 of 2020 is set aside.

9 Let the appellant above named be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Additional Sessions Judge I -cum- Special Judge, Siwan in Nautan PS Case No 99 of 2020 subject to the following conditions:



(1) That one of the bailors will be a close relative of the appellant who will give an affidavit giving genealogy as to how he is related with the appellant. The bailor will also undertake to inform the Court if there is any change in the address of the appellant.

(2) That the appellant will be well represented on each date and if he fails to do so on two consecutive dates, his bail will be liable to be cancelled.

(Madhuresh Prasad, J)

M.E.H./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	22.09.2021
Transmission Date	22.09.2021

