

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1216 of 2021**

Arising Out of PS. Case No.-392 Year-2020 Thana- CHANPATIA District- West Champaran

1. Birendra Chaurasia S/o Late Gautam Chaurasia R/o village- Tikuliya, P.S.- Chanpatia, District- West Champaran.
2. Munna Chaurasia S/o Late Gautam Chaurasia R/o village- Tikuliya, P.S.- Chanpatia, District- West Champaran.
3. Pushpa Devi W/o Birendra Chaurasia R/o village- Tikuliya, P.S.- Chanpatia, District- West Champaran.

... .. Appellant/s

Versus

1. The State of Bihar.
2. Kesu Ram @ Umesh Ram Son of Raj Kumar Ram R/o vill- Tikuliya, P.S.- Chanpatia, Dist- West champaran.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Sachida Nand Rai
For the Respondent/s	:	Mr. Binay Krishna Mr. Umesh Chandra Verma

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER**

3 30-06-2022 Heard learned counsel for the appellants and learned
Special Public Prosecutor for the State.

This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as 'the SC/ST Act') against the refusal of prayer of anticipatory bail vide order dated 14.12.2020, passed by learned 1st Additional District & Sessions Judge-cum-Special Judge (SC/ST), Bettiah, District West Champaran in connection with Chanpatia P.S. Case No.392 of 2020, registered under Sections 341, 323, 307, 379, 504, 506



and 34 of the Indian Penal Code and Sections 3(i)(r)(v) of the SC/ST Act.

The allegation against appellants No.1 and 2 is that they abused the female members of the informant side when they went to attend the call of nature. When the informant went to enquire about the matter, Munna Chaurasia assaulted the informant on his wrist by means of lathi. When the brother of the informant, Sandeep Kumar came to save him, Surendra Chaurasia assaulted him by brick. The accused persons also took away mobile phone and Rs.2000/- from the informant. Pushpa Devi is also said to have assaulted by means of brick.

Learned counsel for the appellants submits that the appellants are innocent and have falsely been implicated in the present case. It is further submitted that the occurrence took place on 19.07.2020, but the FIR was lodged on 08.08.2020, after delay of 20 days without giving any explanation. It is submitted that there is general and omnibus allegation against all the accused persons.

Learned Special P.P. for the State opposed the prayer for anticipatory bail of the appellants.

Taking into consideration the fact that there is delay in lodging the FIR without giving any explanation, let appellants,



above named, in the event of their arrest or surrender before the learned court below within a period of six weeks from today, be enlarged on bail on furnishing bail bonds of Rs.25,000/- (rupees twenty five thousand) each with two sureties of the like amount each to the satisfaction of learned 1st Additional District & Sessions Judge-cum-Special Judge (SC/ST), Bettiah, District West Champaran in connection with Chanpatia P.S. Case No.392 of 2020, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

Accordingly, the impugned order is set aside and this appeal is allowed.

(Anjani Kumar Sharan, J.)

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