

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1005 of 2022

Arising Out of PS. Case No.-20 Year-2018 Thana- SC/ST District- Jehanabad

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1. SANTOSH KUMAR @ SANTOSH CHOUBEY Son of Lal Bachan Chaubey Resident of Amra, P.S.- Parasi, District - Arwal
 2. Lal Bachan Chaubey Son of Late Prem Nath Chaubey Resident of Amra, P.S.- Parasi, District - Arwal
 3. Lal Muni Chaubey Wife of Lal Bachan Chaubey Resident of Amra, P.S.- Parasi, District - Arwal

... .. Appellant/s

Versus

1. The State of Bihar
2. Usha Devi Wife of Lalan Paswan Resident of Amra Chauki, P.S.- Parasi, District - Arwal.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Anuj Kumar
For the Respondent/s : Mr.Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 07-07-2022 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

The instant appeal has been filed by the appellant against the order dated 24.02.2022 passed by learned Additional District and Sessions Judge 1st Jehanabad in ABP No. 170/22 whereby the prayer for bail of the appellant in connection with Special SC/ST P.S. Case no. 191/2018 arising out of Arwal SC/ST P.S. Case No. 20 of 2018 under Sections 341,323,379,504,34 of the Indian Penal Code and sections 3(2) (Va)of SC/ST Act was rejected.



Allegations against the appellants is of forcefully harvesting the crops of the land of the informant and on protest, accused persons including the appellants started to abuse her by taking her caste name and assaulted her by lathi and danda.

It is submitted by learned counsel for the appellants that appellants have been falsely implicated in this case due to land dispute. Both the parties are co-villagers. There is delay of nine days in lodging the FIR, which falsifies the prosecution story. There is no injury report on record to support the allegation of assault. They have not taken the cast name of the informant in public view. They have got no criminal antecedent. No offence is made out under the provisions of the SC/ST Act against them. The appellant has no intention to disgrace the image of the informant in public view.

The appeal for bail is opposed by learned Spl. P.P. for the State.

Having heard learned counsel for the parties and taking into consideration that there is general and omnibus allegation against the appellants, the Court is inclined to allow this appeal. Accordingly, the appeal is allowed and the impugned order dated 24.02.2022 passed in A.B.P. No 170/22 is hereby set aside.



The appellant is directed to be enlarged on bail in connection with Arwal SC/ST P.S. Case No. 20 of 2018 in the event of arrest or surrender before the court below within a period of four weeks on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Additional District and Sessions Judge 1st Jehanabad.

(Sunil Kumar Panwar, J)

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