

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4025 of 2021

Arising Out of PS. Case No.-27 Year-2020 Thana- SC/ST District- Samastipur

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1. ARUN CHAUDHARY @ ARUN KUMAR CHAUDHARY S/o Shiv Narayan Chaudhary Resident of Village-Keshopatti, Police Station-Kalyanpur, District-Samastipur.
 2. Nanki Chaudhary @ Nanhki Chaudhary S/o Shiv Narayan Chaudhary Resident of Village-Keshopatti, Police Station-Kalyanpur, District-Samastipur.
 3. Pawan Chaudhary S/o Late Anandi Chaudhary Resident of Village-Keshopatti, Police Station-Kalyanpur, District-Samastipur.

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Rajo Devi Wife of Banthu Paswan Resident of village-Kasopatti, P.S.-Kalyanpur Dist- Samastipur.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Bijay Bhushan Prasad, Advocate
For the Respondent/s	:	Mr. Manish Kumar, Advocate
For the State	:	Ms. Usha Kumari, Special P.P.

CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR PANDEY

ORAL ORDER

3 08-08-2022 The learned counsel for the appellants is directed to remove all the defects pointed out by the office within one month.

Heard the learned counsel for the appellants as well as learned Special P.P. assisted by the learned counsel for the informant.

The appeal has been preferred on behalf of the appellant under section 14 (A) (2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 for setting



aside the order dated 13.07.2020 passed by the learned Ist Additional Sessions Judge, Samastipur registered for offence punishable under Sections 147, 149, 323, 341, 504, 506 of the Indian Penal Code and under Section 3(i) (r) (s) (w)/ 3(2) (va) of the SC/ST Prevention of Atrocities Act, whereby the prayer for anticipatory bail of the appellants has been rejected.

As per allegation, the appellants reached their village and the informant asked them for Covid-test. Thereafter, the appellants abused them by calling their caste name and also slapped them.

Learned counsel for the appellants has submitted that son of the informant, namely, Chandan Kumar had molested the daughter of appellant no.1 prior to lodging of this case, in this respect, wife of appellant no.1 had lodged the case against the son of the informant and only to save their neck from that case the present case has been lodged. He has submitted further that during investigation, the investigating authority has given them the benefit of Section 41(1) of the Cr.P.C., as such, the investigating authority did not require custodial interrogation from the appellants and the appellants have not misused the privileges of that benefit.

Learned Special P.P. assisted by the learned counsel



for the informant has submitted that cognizance has also been taken in this case and as such, this anticipatory bail petition is not maintainable. Considering the above-mentioned facts and circumstances, the appellants are directed to surrender before the learned court below. If they file their regular bail petition, that shall be disposed off on the same day without being prejudiced by this order. The learned court below may take notice of the fact that prior to lodging, of this case the wife of appellant no.1 has already lodged the case against the son of the informant and others and the appellants are the persons of clean antecedents.

With these observations, this criminal miscellaneous petition is being disposed of.

Office shall ensure that all defects are removed by the petitioner within the stipulated time mentioned hereinabove, failing which, the matter shall be brought to the notice of this Court.

(Nawneet Kumar Pandey, J)

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