

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.195 of 2021**

Arising Out of PS. Case No.-16 Year-2019 Thana- SC/ST District- Jehanabad

1. Ganga Chauhan Son of Late Bhattu Choahan
2. Rajan Chauhan Son of Ganga Choahan
3. Rahul Kumar Son of Ganga Chauhan all are Resident of Village- Dhira Bigha, P.S.- Makhadumpur (Tehta O.P.), Distt- Jehanabad.

... .. Appellant/s

Versus

The State Of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Arvind Prasad Singh

For the Respondent/s : Mr. Sadanand Paswan

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

2 03-02-2022 Heard learned counsel for the appellants and learned Special Public Prosecutor for the State through virtual court proceeding.

This is an appeal under section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, (hereinafter in short referred to as the 'SC/ST Act') against the refusal of prayer for anticipatory bail vide order dated 12.06.2020, passed by learned Additional Sessions Judge-1st Jehanabad in connection with SC/ST Jehanabad P.S. Case No. 16 of 2019, registered under Sections 341, 323, 379, 504, 506, 34 of the Indian Penal Code and Sections 3(i) (r) (s), 3 (2) (va) of SC/ST Act.

Appellants are said to have abused the informant calling



with caste name. On objection, they assaulted with lathi and danda and Yugeshwar Yadav snatched away Rs. 5000/- from the packet of the informant.

It is submitted by learned counsel for the appellants that the appellants are innocent and have not committed any offence. He submits that there is general and omnibus allegation against the appellants. He submits that there is land dispute between the parties. He also submits that a compromise between the parties has been done which is annexed as Annexure-2 of this application. He submits that occurrence took place on 14.03.2019 but FIR was lodged on 17.03.2019 after delay of three days. He further submits that appellants have no criminal antecedent as stated in para-3 of this appeal.

Learned Spl. PP for the State opposes the prayer for bail.

As there is compromise between the parties, therefore, no notice is required to the informant.

Considering the facts and circumstances of the case, the above named appellants, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the



learned Additional Sessions Judge-1st Jehanabad in connection with SC/ST Jehanabad P.S. Case No. 16 of 2019, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

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

(Anjani Kumar Sharan, J)

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