

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2735 of 2022

Arising Out of PS. Case No.-28 Year-2022 Thana- LACHHUAR District- Jamui

Prakash Choudhary S/O Rajendra Choudhary, Resident of village- Bhullo,
P.S.- Lachhuar, District- Jamui

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Pankaj Kumar Sinha, Advocate
For the Respondent/s : Mr.Binay Krishna, Spl.PP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL JUDGMENT

Date : 03-11-2022

Heard learned counsel for the appellant, learned
counsel for the State and learned counsel for the informant.

Let the defect (s), as pointed out by the office, be
removed within a period of four weeks.

This is an appeal under Section 14(A)(2) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act, 1989 against the refusal of prayer for bail by
order dated 28.06.2022 passed by learned Additional District
and Sessions Judge-1st-cum-Special Judge (SC/ST) Act, Jamui
in connection with Lachhuar P.S. Case No. 28 of 2022
registered for the alleged offences under Sections 447, 341,
323, 427, 302 and 34 of the Indian Penal Code and Sections 3
(1)(r)(s)/3 (2)(v)(va) of Scheduled Castes and Scheduled Tribes



(Prevention of Atrocities) Act.

As per the prosecution case, while the father of the informant was keeping watch over his crop, the appellant and other co-accused persons armed with lathi and rod came and tried to uproot the crop. When it was opposed by the father of the informant, they assaulted him with lathi and rod. The father of the informant was taken to the primary health center where he was declared brought dead.

Learned counsel for the appellant submits that the appellant is innocent and has not committed any offence and has been falsely implicated in this case due to ill-will and he is himself a member of the scheduled caste category. It is apparent from the FIR that the informant is not an eye witness and when the informant, his brother and co-villagers came to the spot no accused person was being seen at the spot. The allegation of assault is against altogether seven person but only two injuries have been found on the person of the father of the informant and one such injury is on the head and another injury is on the right toe. So, existence of only two injuries after assault by seven persons is not believable. In fact, the father of the informant died after falling and taking advantage of his death, the informant implicated the appellant and other co-accused



persons. Moreover the allegations are vague, general and omnibus as is apparent from the FIR. The appellant is in custody since 15.05.2022 and charge-sheet has been submitted. The appellant is having clean antecedent.

Learned Special PP opposes the submission made on behalf of the appellant submitting that the appellant and other co-accused persons assaulted the father of the informant with lathi and rod causing his death.

Perused the records.

Having regard to the facts and circumstances and considering the submission made on behalf of the parties and also considering the general and non-specific allegation against the appellant coupled with non-corroborative injury report and considering the probability of false accusation, the appellant is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-1st-cum-Special Judge (SC/ST) Act, Jamui in connection with Lachhuar P.S. Case No. 28 of 2022, subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and the following conditions:

- (i) One of the bailors will be a close relative of



the appellant.

(ii) The appellant will remain present on each and every date fixed by the court below.

(iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the appellant will be liable to be cancelled by the court concerned.

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

(Arun Kumar Jha, J)

Rajnish/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	04.11.2022
Transmission Date	04.11.2022

