

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.242 of 2021

Arising Out of PS. Case No.-138 Year-2020 Thana- CHAINPUR District- Kaimur (Bhabua)

1. SANDEEP CHAUDHARY Son of Late Dina Singh Resident of Village - Kharigawa, P.S.- Chainpur, Distt.- Kaimur at Bhabua.
2. Bhola Chaudhary Son of Late Dina singh Resident of Village - Kharigawa, P.S.- Chainpur, Distt.- Kaimur at Bhabua.
3. Putul Chaudhary Son of Late Dina Singh Resident of Village - Kharigawa, P.S.- Chainpur, Distt.- Kaimur at Bhabua.
4. Gauri Chaudhary Son of Late Dina Singh Resident of Village - Kharigawa, P.S.- Chainpur, Distt.- Kaimur at Bhabua.
5. Shankar @ Shankar Chaudhary @ Shankar Singh Son of Late Dina Singh Resident of Village - Kharigawa, P.S.- Chainpur, Distt.- Kaimur at Bhabua.

... .. Appellant/s

Versus

1. The State of Bihar
2. Murah Gond son of Haricharan Gond R/o village- Kharigaon, P.S.- Chainpur, District- Kaimur at Bhabua

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Tribhuwan Narayan, Advocate
For the Respondent/s : Mrs.Usha Kumari No.1, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

6 05-07-2022 Heard learned counsel for the appellants and learned
Special Public Prosecutor for the State.

Vide order dated 08.03.2022, notice has been issued upon the respondent no.2 and as per office notes, notice has been served validly upon the respondent no.2 but nobody has entered appearance on his behalf to argue the case.

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 17.08.2020, passed by learned Additional District and Sessions Judge-1st cum- Spl. Judge, Kaimur at Bhabua, in connection with Chainpur P.S. Case No.138 of 2020, registered under sections 341, 323, 354, 307, 504, 34 of the IPC and sections 3(1)(r)(s)(w), 3(2)(Va)(V) of the SC/ST Act.

Allegedly, the appellants abused the wife and mother of the informant and when they tried to resist, they assaulted the wife of informant. When the informant came for rescue, appellant no.2 attacked him with lathi, due to which the informant sustained injury on his head.

It is submitted by learned counsel for the appellants that the appellants are innocent and have not committed any offence. No such occurrence as alleged has ever taken place. Appellants have been falsely implicated in the case with frivolous allegation. Slating the informant in the name of caste is not said to have been done in public view, hence no offence under the SC/ST Act is made out against the appellants. It is submitted that the allegation of slating the informant levelled against the appellants is not specific rather general and omnibus in nature. It is further submitted that there is no injury on the person of the



informant or his wife and the parties have compromised the case. The compromise petition is annexed at Annexure-2 to this memo of appeal. Appellants have no criminal antecedent.

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

Considering the facts and circumstances of the case, since parties have compromised and no one has sustained injury, let the appellants named above, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be released on bail on furnishing bail bond of Rs.25,000/- (Rs. Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional District and Sessions Judge-1st cum- Spl. Judge, Kaimur at Bhabua, in connection with Chainpur P.S. Case No.138 of 2020, subject to the condition as 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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