

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3747 of 2021

Arising Out of PS. Case No.-186 Year-2016 Thana- BASOPATTI District- Madhubani

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SURESH CHAUDHARY SON OF LATE RAMESHWAR CHAUDHARY @
MUNAJI R/O VILLAGE- KHAUNA, P.S.- BASOPATTI, DISTRICT-
MADHUBANI

... .. Appellant/s

Versus

1. The State of Bihar
2. Shrichan Paswan son of Late Rambriksh Paswan Resident of village-
Khauna, P.S.- Basopatti, District- Madhubani

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Gagan Deo Yadav Mr. Ravi Prakash
For the Respondent/s	:	Mr. Spl. P.P.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 28-09-2022 Heard learned counsel for the appellant and learned

Special P.P. for the State. Despite valid service of notice, nobody

appears on behalf of respondent no. 2.

The present appeal has been filed against order dated
23.07.2019 passed by learned A.D.J.-I, Madhubani in Basopatti
P.S. Case No. 186 of 2016 corresponding to G.R.No. 241 of
2016 registered for the offence punishable under Sections 341,
323, 324, 504 and 34 of the Indian Penal Code and Section 3(1)
(r) of the Scheduled Castes and the Scheduled Tribes (POA) Act
(for short “SC/ST Act”), whereby the prayer for anticipatory
bail of appellant was rejected.

As per F.I.R., this appellant abused the informant by
caste name and gave knife blow on the head of informant.



Learned counsel for the appellant submits that due to petty dispute between the parties over payment of wages, a simple *Maarpit* took place. Injury sustained by the informant is simple in nature. Insult caused to the informant is not based on caste and as such, no case under the SC/ST Act is made out. The appellant has got clean antecedent.

Considering the backdrop of the dispute coupled with the fact that appellant has got clean antecedent, the impugned order dated 23.07.2019 is, hereby, set aside and appeal is allowed.

Accordingly, in the event of arrest or surrender before the court below within a period of six weeks from today, let the above-named appellant be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned 1st Additional Sessions Judge, Madhubani in connection with Basopatti P.S. Case No. 186 of 2016, corresponding to G.R.No. 241 of 2016.

(Prabhat Kumar Singh, J)

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