

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2739 of 2022

Arising Out of PS. Case No.-30 Year-2021 Thana- BAHADURPUR District- Darbhanga

Sonu Choudhary, Son of Late Sulindra Chaudhary, Resident of Village -
Ojhanl, P.S.- Bahadurpur, District - Darbhanga.

... .. Appellant/s

Versus

1. The State of Bihar
2. Lal Babu Paswan, Son of Halkhori Paswan, Resident of village - Ojhaul,
P.S.- Bahadurpur, District - Darbhanga

... .. Respondent/s

Appearance :

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

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA

ORAL JUDGMENT

Date : 08-12-2022

Heard learned counsel for the appellant and learned
Spl.PP for the State.

Office report shows the brother of the respondent no.2
has received the notice but none is present on behalf of respondent
no.2.

However, learned counsel for the appellant submits that
matter has been compromised between the parties and there is no
likelihood of appearance of the informant/respondent no.2 in this
case.

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 08.07.2022 passed by the learned 3rd Additional Sessions Judge-cum-Exclusive Special Judge SC/ST(POA) Act, Darbhanga in connection with Bahadurpur P.S. Case No. 30 of 2021, registered for the alleged offences under Sections 341, 323, 324, 506, 148 and 149 of the Indian Penal Code, Section 27 of the Arms Act and Sections 3 (i) (r) and 3 (i) (s) of the Scheduled Castes and Scheduled Tribes (POA) Act.

As per the prosecution case, the appellant and other co-accused persons entered into the house of the informant and assaulted the informant and his family members and they also opened fire. The assailants were variously armed. The occurrence took place in the background of demand of Rs.5,00,000/- as extortion money made by the co-accused Anil Singh.

The learned counsel for the appellant submits that the appellant is innocent and has been falsely implicated in this case. From the FIR, it is very much clear that there is only general and omnibus allegations against the appellant along with other co-accused persons. There is even no specific allegation of abusing or assaulting against this appellant. From the facts of the case none of the offences as mentioned in the FIR are made out against this appellant. There would be no application of provisions of SC/ST (POA) Act has been made out against this appellant. From the FIR, it is clear that there is no injury of any of the victims and there is



no accusation on this appellant. The allegation of demand of extortion money appears to be super-addition. Learned counsel further submits that the present case is a counter version of Bahadurpur P.S. Case No. 31 of 2021. The matter has been compromised between the parties and other co-accused persons have been granted anticipatory bail vide order dated 19.07.2021 passed in Cr. App(SJ) No. 33482 of 2021, order dated 20.07.2021 passed in Cr. App(SJ) No. 33857 of 2021 and order dated 15.09.2021 passed in Cr. App(SJ) No. 23894 of 2021. Similarly placed co-accused persons have been granted regular bail by a Co-ordinate Bench of this Court vide order dated 14.12.2021 passed in Cr. Appeal (SJ) No. 3894 of 2021. The appellant is in custody since 19.05.2022 and the charge sheet has been submitted in this case. The appellant is having clean antecedent.

Learned Spl.PP opposes the prayer.

Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the grant of bail to similarly placed co-accused persons and further considering the vague nature of allegation against the appellant and also considering the clean antecedent of the appellant as well as period of his custody and submission of charge sheet, the appellant above named 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 3rd Additional District and Sessions Judge-cum-Exclusive Special Judge, SC/ST(POA) Act, Darbhanga in connection with Bahadurpur P.S. Case No. 30 of 2021, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also 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)

balmukund/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	13.12.2022
Transmission Date	13.12.2022

