

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.3168 of 2022**

Arising Out of PS. Case No.-93 Year-2022 Thana- DHANAHA District- West Champaran

Hridayanand Chaudhary @ Hridayanand Mullah Son of Sri Bhola Chaudhary  
@ Bhola Mallah Resident of Village - Samsherwa, P.S.- Dhanaha, District -  
West Champaran.

... .. Appellant/s

Versus

1. The State of Bihar
2. Vanshraj Gond Son of Late Tekman Gond Resident of Village - Dahwa, P.S.-  
Dhanaha, District - West Champaran.

... .. Respondent/s

with

**CRIMINAL APPEAL (SJ) No. 3240 of 2022**

Arising Out of PS. Case No.-93 Year-2022 Thana- DHANAHA District- West Champaran

Krishanmohan Chaudhary S/o Sri Haridwar Chaudhary Resident of Village-  
Dahwa, P.S.- Dhanaha, District- West Champaran.

... .. Appellant/s

Versus

1. The State of Bihar
2. Vanshraj Gond S/o Late Tekman Gond Resident of Village- Dahwa, P.S.-  
Dhanaha, District- West Champaran.

... .. Respondent/s

**Appearance :**

(In CRIMINAL APPEAL (SJ) No. 3168 of 2022)

For the Appellant/s : Mr. Umesh Chandra Verma, Advocate

For the State : Mrs.Usha Kumari 1, Spl. P.P.

For the Informant : Mr. Murari Sharan Tiwari, Advocate

(In CRIMINAL APPEAL (SJ) No. 3240 of 2022)

For the Appellant/s : Mr. Umesh Chandra Verma, Advocate

For the State : Mr. Binay Krishna, Spl. P.P.

For the Informant : Mr. Murari Sharan Tiwari, Advocate

**CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA**  
**ORAL JUDGMENT**

**Date : 22-12-2022**

Heard learned counsel for the appellants and learned APP

for the State.

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 vide order dated 22.08.2022 passed by the learned 1<sup>st</sup> Additional Sessions Judge-cum-the Special Judge, under the S.C and S.T. (PoA) Act, West Champaran at Bettiah in connection with Dhanaha P.S. Case No. 93 of 2022 registered for the alleged offences under Sections 147, 149, 341, 323, 302 and 120-B of the Indian Penal Code and Sections 3(1) (r) (s) and 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

As per prosecution case, appellant Krishanmohan Chaudhary and other co-accused persons in the background of some land dispute assaulted the son of the informant and co-accused Haridwar Chaudhary gave a bamboo blow on the head of the son of the informant who became unconscious. The son of the informant died during his treatment. The informant, his son and his wife also received injuries. The informant has further alleged that petitioner Hridayanand Chaudhary was also involved in the alleged occurrence.

Learned counsel for the appellants submits that the appellants are innocent and have been falsely implicated in this case. The specific allegation of assault on the head of the son of

the informant is against co-accused Haridwar Chaudhary. This allegation is corroborated by the post mortem report which also shows single lacerated wound on the head of the deceased which resulted in his death. Learned counsel further submits that allegation against the appellant is general and omnibus with other co-accused persons and injury reports of the other victims have been brought on record which shows simple injuries and are merely abrasion and swellings caused by hard and blunt objects. Learned counsel further submits that the name of the appellant Hridayanand Chaudhary has been added at the end of the F.I.R. without any material against him. There is no allegation that the appellants even took caste name of the informant side. Charge sheet has been submitted in this case and the appellants are in custody since 22.04.2022 and 24.04.2022.

Learned APP for the State as well as learned counsel appearing on behalf of the informant/respondent no. 2 vehemently oppose the prayer for bail of the appellants. Learned counsel for the informant submits that the appellants assaulted the informant and his family members and son of the informant lost his life in this assault. Learned counsel further submits that appellants are threatening the informant side and

they do not deserve to be enlarged on bail.

Having regard to the facts and circumstances and submission made on behalf of the parties and considering the fact that there is no specific allegation against the appellants for any serious overt act and further considering the submission of charge sheet along with period of custody of the appellants, the appellants above named are directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) each with two sureties of the like amount each to the satisfaction of learned 1<sup>st</sup> Addittional Sessions Judge-cum-the Special Judge, under SC/ST Act, West Champaran in connection with Dhanaha P.S. Case No. 93 of 2022, 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 orders are  
set aside and the appeals are allowed.

**(Arun Kumar Jha, J)**

daya/-

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| AFR/NAFR          | NAFR       |
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