

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5410 of 2019

Arising Out of PS. Case No.-22 Year-2018 Thana- SC/ST District- Gopalganj

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1. BASHISHTH YADAV @ BASHISHTH CHOUDHARY Son of Late Gokhul Choudhary Resident of Village-Haziyapur, Ward No.8, P.S.-Gopalganj (Town), District-Gopalganj.
 2. Bal Kishore Choudhary Son of Bashishth Yadav @ Bashishth Choudhary Resident of Village-Haziyapur, Ward No.8, P.S.-Gopalganj (Town), District-Gopalganj.
 3. Nand Kishore Choudhary Son of Bashishth Yadav @ Bashishth Choudhary Resident of Village-Haziyapur, Ward No.8, P.S.-Gopalganj (Town), District-Gopalganj.

... .. Appellants.

Versus

1. The State of Bihar.
2. Raj Kishore Rawat S/o- Late Bunilal Rawat Resident of Village- Haziyapur, ward no.- 8, P.S.- Gopalganj(Town), Dist.- Gopalganj

... .. Respondents.

Appearance :

For the Appellant/s : Mr. Satyapal Singh
For the Respondent/s : Mr. Binay Krishna

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

6 22-03-2022 Heard learned counsel for the appellants and

learned Special Public Prosecutor for the State.

Vide order dated 14.12.2021 notice was issued to respondent no.2 but, in spite of valid service of notice, none is present on his behalf.

This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter in short referred to as the 'SC/ST Act') against the refusal of prayer of anticipatory bail



vide order dated 23.10.2019 passed by learned 1st Additional Sessions Judge cum Special Judge (SC/ST Act), Gopalganj in connection with Gopalganj SC/ST P.S. Case No. 22 of 2018 registered under Sections 341, 323, 324, 504 & 506/34 of the Indian Penal Code and Section 3(1) (r) (s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

The appellants along with one other co-accused are said to have badly assaulted the son and nephew of the informant and they also abused them by taking their caste name. The reason behind the occurrence is said to be that the son of the informant picked out fallen mango from the side of orchard.

It is submitted by learned counsel for the appellants that the appellants have no concern with the aforesaid occurrence. They have been falsely implicated in the case due to dirty village politics. The allegation of assault levelled against the appellants is not specific rather general and omnibus in nature. There is inordinate delay of three days in lodging the case without assigning any plausible explanation for the said delay which creates serious doubt about the prosecution case. Injuries sustained by the victims are simple in nature. Appellants have no criminal antecedent.

Learned Spl. PP for the State opposed the prayer for



bail.

In the facts and circumstances of the case, the above named appellants, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be enlarged on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned 1st Addl. Sessions Judge cum Special Judge (SC/ST Act), Gopalganj in connection with Gopalganj SC/ST P.S. Case No.22 of 2018, 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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