

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.657 of 2023

Arising Out of PS. Case No.-21 Year-2022 Thana- SC/ST BAGHA District- West Champaran

1. BITTU CHAUHAN @ VIKASH CHAUHAN Son of Harish Chauhan R/O Village - Khalari Tola, Katar, P.S.- Dhanaha, District - West Champaran.
2. Bhikham Chauhan Son of Ramprit Chauhan R/O Village - Khalari Tola, Katar, P.S.- Dhanaha, District - West Champaran.
3. Arvind Chauhan Son of Ramprit Chauhan R/O Village - Khalari Tola, Katar, P.S.- Dhanaha, District - West Champaran.
4. Bhola Chauhan @ Bhola Nath Chauhan Son of Ramji Chauhan @ Ramjeet Chauhan R/O Village - Khalari Tola, Katar, P.S.- Dhanaha, District - West Champaran.

... .. Appellant/s

Versus

1. The State of Bihar
2. Parvati Devi Wife of Shambhoo Ram R/O Village - Khalari Tola, Katar, P.S.- Dhanaha, District - West Champaran

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Bimlesh Kumar Pandey, Adv.
For the Respondent/s	:	Mr. Sadanand Paswan, S.P.P.
For the Informant	:	Mr. Anant Kumar Mishra, Adv.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 28-04-2023 Heard learned counsel for the appellants, learned counsel for the informant and learned Special P.P. for the State.

This is an appeal under Section 14(A)(ii) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 2016 (hereinafter referred to as the “SC/ST Act”) against the refusal of prayer for regular bail vide order dated 04.01.2023 passed by the learned Additional District and Sessions Judge-1st-cum-Special Judge (SC/ST), Bettiah, West



Champaran in connection with Bagaha (SC/ST) P.S. Case No.21/2022, F.I.R. dated 20.06.2022 registered under Sections 341, 323, 307, 354, 504, 506, 447, 34 of the Indian Penal Code and Section 3(i)(r) (s), 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

According to FIR, the appellants along with other co-accused persons having armed with lathi, danda and rod came at the door of the informant and started abusing the informant in the name of her caste and assaulted the husband of the informant by means of lathi and rod due to which the husband of the informant sustained head injury.

Learned counsel for the appellants submits that the appellants have clean antecedent and they have falsely been implicated in the present case. He further submits that there is case and counter case between the parties and it appears from the F.I.R. that there is general and omnibus allegation against all the accused persons including these appellants. He further submits that there is no specific allegation of any assault or overt act attributed against the appellants and the injury report of the husband of the informant suggests that the injuries are simple in nature and the police, after investigation, submitted charge sheet against the appellants and the appellant no.1, 2 and



3 are in custody since 07.12.2022 and the appellant no.4 is in custody since 06.12.2022.

Learned counsel for the informant and learned Spl. P.P. for the State have vehemently opposed the prayer for bail of the appellants.

Considering the facts and circumstances of the case, let the appellants, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-1st-cum-Special Judge (SC/ST), Bettiah, West Champaran, in connection with Bagaha (SC/ST) P.S. Case No.21/2022, with the following conditions:-

(1) Appellants shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

(2) If the appellants tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.



(3) And, further condition that the court below shall verify the criminal antecedent of the appellants and in case at any stage, it is found that the appellants have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the appellants. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

Accordingly, the impugned order is set aside and this appeal stands allowed.

(Rajesh Kumar Verma, J)

amit/-

U		T	
---	--	---	--

