

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.760 of 2022

Arising Out of PS. Case No.-17 Year-2016 Thana- SAHODARA District- West Champaran

1. PRAHLAD CHAUDHARY S/o Sri Naresh Chaudhary Resident of Village- Pipra, P.S.- Sahodara, District- West Champaran.
2. Munna Chaudhary S/o Sri Naresh Chaudhary Resident of Village- Pipra, P.S.- Sahodara, District- West Champaran.
3. Naresh Chaudhary Son of Late Baldeo Chaudhary Resident of Village- Pipra, P.S.- Sahodara, District- West Champaran.
4. Jhameli Chaudhary @ Jaishankar Chaudhary S/o Sri Mahesh Chaudhary Resident of Village- Pipra, P.S.- Sahodara, District- West Champaran.

... .. Appellant/s

Versus

1. The State of Bihar
2. Misiri Manjhi S/o Sripat Manjhi Resident of Village- Pipra, P.S.- Sahodara, District- West Champaran.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Umesh Chandra Verma, Adv.
For the Respondent/s : Mr.Binay Krishna, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 25-01-2023 Heard learned counsel for the appellants and learned Special Public Prosecutor for the State.

In compliance of the order of this Court, notice was validly served upon respondent no.2 but nobody appears on his behalf.

This is an appeal under section 14 A (2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (as amended by Amendment Act, 2015 (Act No.1 of 2016) (hereinafter in short referred to as the 'SC/ST Act') against



refusal of prayer for anticipatory bail vide order dated 25.01.2022, passed by learned 1st Additional Sessions Judge-cum-Special Court under S.C. & S.T. Act, West Champaran, Bettiah, in connection with Sahodara P.S. Case No.17 of 2016, registered u/s 341, 323, 325, 308, 504, 506, 384, 489, 427/34 of IPC and charge sheet was submitted also u/s 3(1)(x) SC/ST Act.

As per F.I.R., the accused persons including the appellants at the first instance abused the informant and thereafter they assaulted the informant and one Vijay Kumar Pandey by means of pistol, spear and gadasa.

It is submitted by learned counsel for the appellants that the appellants are innocent and have not committed any offence. No such occurrence, in the manner as alleged has ever taken place. Appellants have been falsely implicated in the case with frivolous allegation. It is submitted that no offence under the SC/ST Act is made out against the appellants as there is general and omnibus allegation against all the accused persons to abuse the informant. The injury was found to be simple in nature and opinion regarding one injury was reserved but the same was swelling of 2" x 2" on temporal region. Appellants have two criminal antecedent.

Learned Spl. PP for the State opposed the prayer for bail



and submits that there is specific allegation against the appellants to assault the informant by means of weapons.

Considering the facts and circumstances of the case, since there is no specific allegation against the appellants to abuse the informant by taking case name and the nature of injury is also simple, let the appellants named above, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be released on bail on furnishing bail bond of Rs.25,000/- (Rs. Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned 1st Additional Sessions Judge-cum-Special Court under S.C. & S.T. Act, West Champaran, Bettiah, in connection with Sahodara P.S. Case No.17 of 2016, 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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