

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1934 of 2023

Arising Out of PS. Case No.-268 Year-2022 Thana- CHAKIA District- East Champaran

SHIVCHANDRA CHAUDHUR @ SHIVCHANDRA CHAUDHARY Son of
Ramadhar Chaudhur Resident of village - Sherpur Gavandra, P.S. - Chakia,
Distt. - East Champaran

... .. Appellant/s

Versus

1. The State of Bihar
2. Jai Ram Son of Deonath Ram Resident of village - Nagargawa, P.S. -
Chakia, Distt. - East Champaran

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Abhishek Kumar , Advocate
For the Respondent/s : Mr. Sadanand Paswan, SPP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 01-09-2023

Heard learned counsel for the parties.

2. This appeal has been filed for setting aside order dated 20.03.2023 passed in a case registered for the offence punishable under sections 461 and 379 of the Indian Penal Code and sections 3(i) (f) (g) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, whereby the prayer for anticipatory bail of the appellant has been rejected.

3. As per the prosecution case , this appellant had rented shop to the informant on the first floor of S-mart Mall, Chakia and he has been paying rent regularly. It is further alleged that six months ago, the petitioner closed the entrance of the shop and humiliated the informant by taking his caste name . It is also alleged that the appellant took away electric



appliances C . C. Tv cameras, battery , Invertork, mattress, Rack and furniture total worth Rs. 40,00,000/- besides vouchers and other valuable documents cash of Rs. 7000/- kept in the cash trace.

4. It is submitted that from bare perusal of the FIR, it is apparent that appellant is landlord and informant is tenant and informant has not paid the rent for the last 7 months for which wife of the appellant has given legal notice to the informant. In spite of issuing legal notice against the informant he did not pay rent of the shop and vacated the shop without giving any information to the appellant, for which wife of the petitioner Shobha Devi has given an application to the officer-in-charge Chakiya P.S. on 03.06.2022 and to save his skin and also to grab rent of the appellant, this false and concocted case has been lodged against the appellant. Insult caused to the petitioner did not take place within public view, as such, no case under SC/ST Act is made out. F.I.R., reveals that the dispute is purely of civil nature between the parties. Appellant claims clean antecedents.

5. Counsel for the parties oppose the prayer for bail.

6. Considering the aforesaid facts, this appeal is allowed and the impugned order is set aside. Let the appellant,



named above, in the event of arrest/surrender within a period of eight weeks from the date of receipt/production of a copy of this order, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, SC/St(POA)Act, East Champaran at Motihari in connection with Chakia Police Station Case No. 268 of 2022.

(Prabhat Kumar Singh, J)

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