

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2348 of 2023

Arising Out of PS. Case No.-231 Year-2022 Thana- LODIPUR District- Bhagalpur

Chotu Choudhary @ Sanjay Kumar Choudhary Son of Karu Choudhary
Resident of Village- Ishakchak Pasi Tola, PS- Ishakchak, Dist- Bhagalpur

... .. Appellant/s

Versus

1. The State of Bihar
2. Kailash Choudhary Son of Late Hari Choudhary Resident of Village-
Sarmaspur, PS- Lodipur, Dist- Bhagalpur

... .. Respondent/s

with

CRIMINAL APPEAL (SJ) No. 2035 of 2023

Arising Out of PS. Case No.-231 Year-2022 Thana- LODIPUR District- Bhagalpur

KARU CHOUDHARY Son of Late Butku Choudhary @ Late Bhutku
Choudhary Resident of village-Ishakchak Pasi Tola, P.S.-Ishakchak, Dist-
Bhagalpur

... .. Appellant/s

Versus

1. The State of Bihar
2. KAILASH CHOUDHARY Son of Late Hari Choudhary R/o village-
Sarmaspur, P.S.-Lodipur, Dist-Bhagalpur

... .. Respondent/s

Appearance :

(In CRIMINAL APPEAL (SJ) No. 2348 of 2023)

For the Appellant/s : Mr.Ranjan Kumar Jha

For the Respondent/s : Mr.Sadanand Paswan

(In CRIMINAL APPEAL (SJ) No. 2035 of 2023)

For the Appellant/s : Mr.Ranjan Kumar Jha

For the Respondent/s : Mr.Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 30-08-2023 As both these appeals have cropped up from the

same police station case number, hence, with consent of



parties, they are being heard together and disposed of by this common order.

2. Heard learned counsel for the appellants and learned Special Public Prosecutor for the State.

3. Learned counsel for the appellants submits that the appellants themselves belong to Scheduled Caste, hence, notice is not required to them.

4. This is an appeal under section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, (hereinafter in short referred to as the 'SC/ST Act') against the refusal of prayer for bail vide order dated 21.03.2023, passed by learned Additional Sessions Judge-III-cum-Special Judge (SC/ST), Bhagalpur in connection with Lodipur P.S. Case No. 231 of 2022, registered under Sections 147, 149, 341, 323, 324, 307 of the IPC and Sections 3(i)(r)/3(1)(s) of SC/ST Act.

5. The appellants along with other accused persons are said to have assaulted the informant and his family members by means of Hasua and lathi-danda. They also abused him by taking caste name.

6. It is submitted by learned counsel for the appellants that the appellants are innocent and have been falsely



implicated in this case. He submits that the appellants themselves belong to SC/ST category, therefore, no offence under SC/ST Act is made out against him. He submits that there is general and omnibus allegation levelled against the appellants. He submits that there is no specific overt act against the appellants to abuse the informant by taking caste name. He submits that the similarly situated co-accused has already been granted bail by this Court vide order dated 28.06.2023 passed in Cr. APP (SJ) No. 712 of 2023. He further submits that appellants have no criminal antecedent as stated in para-3 of this appeal.

7. However, learned Special P.P. for the State opposes the prayer for bail.

8. Considering the facts and circumstances of the case, let 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 Additional Sessions Judge-III-cum-Special Judge, SC/ST Act, Bhagalpur in connection with Lodipur P.S. Case No. 231 of 2022, subject to the



condition as laid down under Section 438 (2) of the Cr.P.C.

9. Accordingly, the impugned order is set aside
and both the appeals are allowed.

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(Anjani Kumar Sharan, J)

