

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2223 of 2023

Arising Out of PS. Case No.-31 Year-2021 Thana- SC/ST District- Araria

1. RANJAN CHOUDHARY @ RANJAN KUMAR CHOUDHARY SON OF DEO NARAYAN CHOUDHARY R/O VILLAGE- CHOURA PURWAHA, WARD NO.- 14, P.S.- FORBISGANJ, DISTRICT- ARARIA
2. MUNNA CHOUDHARY @ SHIROMANY CHOUDHARY @ SHIROMANY JAYSWAL SON OF SATYANARAYAN CHOUDHARY R/O VILLAGE- CHOURA PURWAHA, WARD NO.- 14, P.S.- FORBISGANJ, DISTRICT- ARARIA
3. RISHIKESH CHOUDHARY @ RISHIKESH KUMAR SON OF RANJIT KUMAR CHOUDHARY R/O VILLAGE- CHOURA PURWAHA, WARD NO.- 14, P.S.- FORBISGANJ, DISTRICT- ARARIA
4. RANJEET CHOUDHARY @ RANJEET KUMAR CHOUDHARY SON OF DEV NARAYAN CHOUDHARY R/O VILLAGE- CHOURA PURWAHA, WARD NO.- 14, P.S.- FORBISGANJ, DISTRICT- ARARIA
5. BABUL CHOUDHARY @ ROUSHAN KUMAR JAYSWAL SON OF MUNNA CHAUDHARY @ SHIROMANY CHOUDHARY @ SHIROMANY JAISWAL R/O VILLAGE- CHOURA PURWAHA, WARD NO.- 14, P.S.- FORBISGANJ, DISTRICT- ARARIA
6. RAKESH CHOUDHARY @ RAKESH KUMAR JAISWAL SON OF MUNNA CHAUDHARY @ SHIROMANY CHAUDHARY @ SHIROMANY JAYSWAL R/O VILLAGE- CHOURA PURWAHA, WARD NO.- 14, P.S.- FORBISGANJ, DISTRICT- ARARIA
7. CHHOTU CHOUDHARY @ AMRENDRA JAYSWAL SON OF MUNNA CHAUDHARY @ SHIROMANY CHAUDHARY @ SHIROMANY JAYSWAL R/O VILLAGE- CHOURA PURWAHA, WARD NO.- 14, P.S.- FORBISGANJ, DISTRICT- ARARIA

... .. Appellant/s

Versus

1. The State of Bihar
2. RANI DEVI WIFE OF DINESH PASWAN R/O VILLAGE- CHOURA PURWAHA, WARD NO.- 14, P.S.- FORBISGANJ, DISTRICT- ARARIA

... .. Respondent/s

Appearance :

For the Appellant/s : Mrs.Veena Kumari Jaiswal, Adv.
For the Respondent/s : Mrs.Usha Kumari 1, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 22-11-2023 Heard learned counsel for the appellants and learned



Spl.P.P. for the State.

2. In compliance of the order of this Court, learned Spl.P.P. for the State informed the respondent no.2 about her appearance in the appeal but nobody appears on her behalf.

3. 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 anticipatory bail vide order dated 01.04.2023, passed by learned Additional Sessions Judge-1st cum-Spl. Judge, Araria, in connection with SC/ST Araria P.S. Case No.31 of 2021, registered u/s 341, 323, 354(B), 379, 504/34 of the IPC and sections 3(i)(r) of the SC/ST Act.

4. As per F.I.R., all the accused persons including the appellants came in the house of the informant and started abusing and assaulting the informant and others and when the informant tried to stop them, they assaulted by Dabia to her husband.

5. 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 the occurrence has not taken place in the public view. It is further submitted that for the alleged occurrence, two cases has been lodged by the informant. The first case is the present one bearing SC/ST Araria P.S. case No.31 of 2021 and the second case is bearing Forbisganj P.S. Case No.427 of 2021 (Annexure-2 of the memo of appeal). There is general and omnibus allegation against all the accused persons to abuse and assault the informant's side. Appellants have no criminal antecedent.

6. Learned Spl. PP for the State opposed the prayer for bail but has not denied the fact that two cases has been lodged by the informant for the same occurrence.

7. Considering the facts and circumstances of the case and that for one occurrence, two cases has been filed by the informant, 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 Additional Sessions Judge-1st cum-Spl. Judge, Araria, in connection with SC/ST Araria P.S.



Case No.31 of 2021, subject to the condition as laid down under section 438 (2) of the Cr.P.C.

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

(Anjani Kumar Sharan, J)

pallavi/-

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

