

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3007 of 2023

Arising Out of PS. Case No.-12 Year-2023 Thana- SC/ST District- Patna

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1. Mukul Chauhan @ Mukul Kumar S/O Shiv Chauhan R/O Village- Loha Ka Pool, Noon Ka Chauraha, Ps. Mehandiganj, Dist. Patna
 2. Damodar Chauhan @ Damodar Noniya S/O Late Samann Chauhan R/O- Loha Ka Pool, Noon Ka Chauraha, Ps. Mehandiganj, Dist. Patna.

... .. Appellant/s

Versus

1. The State of Bihar.
2. Gop Chaudhary S/O Mangal Chaudhary R/O Village- Loha Ka Pool, Noon Ka Chauraha, Ps. Mehandiganj, Dist. Patna

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Abhimanyu Deo, Advocate Mr. Samir Kumar, Advocate
For the Respondent/s	:	Mr. Sadanand Paswan, Spl.P.P.
For the Informant	:	Mr. Pushpendra Priyedarshi, Advocate Mr. Shiva Shankar Prasad Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

4 15-12-2023 Heard learned counsel for the appellants, learned counsel for the respondent no.2 and learned Spl.P.P. for the State.

2. This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter in short referred to as the 'SC/ST Act') against the refusal of prayer for anticipatory bail of the appellants vide order dated 09.06.2023 passed by the learned Exclusive Special Court, SC/ST Act, Patna in



connection with A.B.P. No. 3067 of 2023 (arising out of SC/ST P.S. Case No. 12 of 2023) registered for the alleged offences under Sections 448, 147, 149, 341, 323, 504, 506 and 354 of the Indian Penal Code and Sections 3(i)(r)(s)(w) (i), 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

3. As per prosecution case, on 09.03.2023 at about 1:30 the appellants came to the house of the informant to take his D.J., sound and lights forcibly. On that the informant express his compulsion to give the D.J., sounds and lights to them as someone has already booked then appellant no.1 hit the informant on the forehead with a *kada* (iron bangle) and both the accused persons started hitting the informant by fist and slap due to which the informant fell down. It is further alleged that the they also abused by calling his caste name. Thereafter, the appellants along with 10 unknown person attacked the informant's family and tried to outrage the modesty of his family members and also injured them badly.

4. Learned counsel for the appellants submits that the appellants are innocent and have been falsely implicated



in this case. The appellants are not named in the F.I.R. There is general and omnibus allegation against the appellants. It is further submitted that the injury is simple in nature. Learned counsel has further submitted that there is no allegation of hurling of caste related abuse at the informant and his family members by the appellants. It is further submitted that as per the F.I.R., no member of public was present at the relevant point of time of the alleged incident, hence, no offence under SC/ST Act is made out against the appellants. It is further submitted that the from bare perusal of the F.I.R., it is evident that appellants have not tried to outrage the modesty of the any women. The appellants have no criminal antecedent as stated in the para 3 of the bail petition.

5. Learned Spl. P.P. for the State as well as learned counsel for the respondent no.2 have opposed the prayer for anticipatory bail of the appellants.

6. In view of the aforesaid facts and circumstances of the case as well as the fact that no case is made out against the appellants, the impugned order dated 09.06.2023 passed by the learned Exclusive Special Court,



SC/ST Act, Patna in connection with A.B.P. No. 3067 of 2023 (arising out of SC/ST P.S. Case No. 12 of 2023), is set aside against the appellants. The criminal appeal is allowed.

7. Accordingly, the above named appellants, in the event of their arrest/ surrender before the learned Court below within a period of six weeks from today, be enlarged on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty thousand) each with two sureties of the like amount each to the satisfaction of learned Exclusive Special Court, SC/ST Act, Patna in connection with A.B.P. No. 3067 of 2023 (arising out of SC/ST P.S. Case No. 12 of 2023), subject to the conditions mentioned in Section 438(2) of the Code of Criminal Procedure.

(Chandra Prakash Singh, J)

Nilmani/-

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