

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3753 of 2023

Arising Out of PS. Case No.-184 Year-2023 Thana- NAWANAGAR District- Buxar

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1. SHIVNATH CHAUDHARY Son of Late Tilakdhari Chaudhary Resident of Village-Karsar, P.S.-Nawanagar, District-Buxar.
 2. BISHWANATH CHAUDHARY Son of Late Tilakdhari Chaudhary Resident of Village-Karsar, P.S.-Nawanagar, District-Buxar.
 3. DEEPAK CHAUDHARY S/o Bishwanath Chaudhary Resident of Village-Karsar, P.S.-Nawanagar, District-Buxar.

... .. Appellant/s

Versus

1. The State of Bihar
2. TILA DEVI W/o Sanjay Ram Resident of Village-Karsar, P.S.-Nawanagar, District-Buxar.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Ravi Shankar Pathak, Advocate
For the Respondent/s	:	Mr. Sadanand Paswan, Spl P.P.
	:	Mr. Parijat Saurav, Advocate

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 13-12-2023 Heard learned counsel for the appellants and learned Special Public Prosecutor for the State assisted by learned counsel for the respondent no.2.

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 of anticipatory bail vide order dated 24.07.2023 passed by learned A.D.J. 1st Cum Special Judge SC/ST (POA) Act and Children Court, Buxar in connection with Nawanagar (Sonvarsa) P.S. Case No. 184 of 2023, registered under Sections 341, 323, 147, 148, 149, 307,



354(a), 379, 504 and 506 of the Indian Penal Code and Section 3 (i)(r)(s)(w) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

3. It is submitted by learned counsel for the appellants that the appellants have no concern with the aforesaid occurrence. As per the FIR there is general and omnibus allegation against the appellants to abuse the informant by taking the cast name and also to assault the injured person, namely, Karishma Kumari. The injury found upon the victim simple in nature. There is no specific overt act against any of these appellants. There is admitted land dispute between the parties. Appellants have got no criminal antecedent as mentioned in para-3 of memo of appeal.

4. Learned Spl. PP for the State along with learned counsel for the respondent no.2 opposes the prayer for bail and submits that the appellants abuse the respondent no.2/informant by taking caste name.

5. In the facts and circumstances of the case and the fact that there is general and omnibus allegations levelled against the appellants, 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 bonds of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of learned A.D.J. 1st Cum Special Judge SC/ST (POA) Act and Children Court, Buxar in connection with Nawanagar (Sonvarsa) P.S. Case No. 184 of 2023, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

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

(Anjani Kumar Sharan, J)

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