

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3491 of 2022

Arising Out of PS. Case No.-90 Year-2022 Thana- TANDWA District- Aurangabad

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1. PAPPU CHAUHAN Son of Late Jhabbu Chauhan R/V- Harihar Urdana, P.O- Kala Pahad tendua, P.S- Tandwa, Dist- Aurangabad (Bihar)
 2. Ajay Chauhan Son of Late Jhabbu Chauhan R/V- Harihar Urdana, P.O- Kala Pahad tendua, P.S- Tandwa, Dist- Aurangabad (Bihar)

... .. Appellant/s

Versus

1. The State of Bihar
2. Kashida Devi Wife of Budhan Bhuiyan R/V- Harihar Urdana, P.S- Tandwa, Dist- Aurangabad (Bihar)

... .. Respondent/s

Appearance :

For the Appellant/s	:	Ms. Leelawati Kumari, Advocate
For the Respondent/s	:	Ms. Usha Kumari, Spl. PP
For the Informant	:	None

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 31-07-2023 1. Heard learned counsel for the appellants 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 referred to as the “SC/ST Act”) against the refusal of prayer for **anticipatory bail** *vide* order dated 07.09.2022 in A.B.P. No. 1527 of 2022 passed by the learned 1st Additional District and Sessions Judge-cum-Special Judge S.C./S.T. (POA) Act, Aurangabad in connection with Tandwa P.S. Case No. 90 of 2022 registered for the offences punishable under Sections 448, 341, 323, 504, 506 and



34 of the Indian Penal Code as well as Sections 3(1)(r), 3(1)(s) and 3(2)(va) of the SC/ST Act.

3. Learned counsel for the appellants submits that the appellants are persons with clean antecedent and the informant alleges that on 21.08.2022 at about 10:00 am, the accused persons, including the appellant, came and started abusing and assaulting her, it is next alleged that the appellants along with Girja Chauhan and 15-16 unknown accused started assaulting by *lathi-danda* and rod, it is further alleged that the reason for the dispute is that the ancestors of the informant are living on the land for the last hundred years and the appellants are trying to usurp the same.

4. Learned counsel for the appellants submits that the appellants have been falsely implicated in the present case, it is next submitted that from perusal of the allegations as alleged in the FIR it would manifest that the allegation of assault is general and omnibus in nature, it is next submitted that even presuming what has been alleged is true, without admitting, then the entire occurrence took place at the house of the informant and the FIR also does not even remotely suggests that the occurrence was witnessed by anyone as the FIR does not record name of any witness who witnessed the occurrence, as such the occurrence



was not committed in public view.

5. Learned Spl. P.P. for the State opposes the prayer for anticipatory bail of the appellants.

6. In view of the submissions made by the learned counsel for the appellants, the order dated 07.09.2022 in A.B.P. No. 1527 of 2022 passed by the learned 1st Additional District and Sessions Judge-cum-Special Judge S.C./S.T. (POA) Act, Aurangabad in connection with Tandwa P.S. Case No. 90 of 2022 is hereby set aside and the appellants above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 5,000/- (Rupees Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Tandwa P.S. Case No. 90 of 2022 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

7. Accordingly the appeal stands allowed.

(Satyavrat Verma, J)

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