

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3813 of 2022

Arising Out of PS. Case No.-175 Year-2022 Thana- ARIYARI District- Sheikhpura

1. GOBARDHAN CHAUHAN S/O Bhajju Chauhan R/O Village- Hardayalpur (Biman), P.S- Ariyari, Dist- Sheikhpura
2. Sonelal Chauhan S/O Gobardhan Chauhan R/O Village- Hardayalpur (Biman), P.S- Ariyari, Dist- Sheikhpura

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Ram Prasad Singh

For the Respondent/s : Mr.Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 01-02-2023 Heard learned counsel for the appellants and learned
Special Public Prosecutor for the State.

Learned Special Public Prosecutor for the State informs this Court that he has complied the order dated 04.01.2023 but nobody appeared on behalf of the respondent no.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 10.10.2022 passed by learned 1st Additional District & Sessions Judge, Sheikhpura in connection with



Ariyari P.S. Case No. 175/2022 registered under Sections 341, 323, 325, 504 and 34 of the Indian Penal Code and Section 3 (i) (r), (s)(w) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

It is submitted by learned counsel for the appellants that the appellants have no concern with the aforesaid occurrence. There is specific overt act against the appellant no.2 to abuse the informant by taking the caste name. Appellants have got no criminal antecedent as mentioned in para-3 of memo of appeal.

Learned Spl. PP for the State opposes the prayer for bail and submits that the appellant no.2 abused the respondent no.2/informant by taking caste name.

Considering the facts and circumstances of the case and the fact that there is specific overt act against the appellant no.2 to abuse the informant by taking his caste name, I am not inclined to enlarge the appellant no.2 on bail in connection with Ariyari P.S. Case No. 175/2022. Accordingly, his prayer for anticipatory bail is hereby rejected.

In the facts and circumstances of the case and the fact that there is no specific overt act against the appellant no.1, let the above named appellant no.1, in the event of his 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) with two sureties of the like amount each to the satisfaction of learned 1st Additional District & Sessions Judge, Sheikhpura in connection with Ariyari P.S. Case No. 175/2022, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

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

(Anjani Kumar Sharan, J)

ajay/-

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

