

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3929 of 2022

Arising Out of PS. Case No.-21 Year-2022 Thana- SC/ST District- East Champaran

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1. BITTU @ VIKASH CHAUHAN Son of Haresh Chauhan R/V- Khalari Tola Kathar, Ward No. 4, P.S- Dhanaha, Dist- West Champaran
 2. Bhikham Chauhan Son of Ramprit Chauhan R/V- Khalari Tola Kathar, Ward No. 4, P.S- Dhanaha, Dist- West Champaran
 3. Arbind Chauhan Son of Ramprit Chauhan R/V- Khalari Tola Kathar, Ward No. 4, P.S- Dhanaha, Dist- West Champaran

... .. Appellant/s

Versus

1. The State of Bihar
2. Parvati Devi Wife of Shambhu Ram R/V- Khalari Tola Kathar, Ward No. 4, P.S- Dhanaha, Dist- West Champaran

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Anand Kishore Choudhary, Adv.
For the Respondent/s : Mr.Binay Krishna, APP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 19-04-2023 Heard learned counsel for the appellants and learned
Special Public Prosecutor for the State.

Learned Spl.PP. for the State informs the Court that in compliance of order dated 04.01.2023, he informed the respondent no.2 to plead in the present appeal through her counsel but nobody appears on her behalf.

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 06.09.2022 passed by learned 1st Additional District & Sessions



Judge cum Special Judge (SC/ST Act), Bettiah, West Champaran in connection with Bagaha SC/ST P.S. Case No. 21 of 2022 registered under Sections 341, 323, 307, 354, 504, 506, 447/34 of the Indian Penal Code and Section 3(i)(r)(s), 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Allegedly, after some altercation, accused persons assaulted the informant and abused her by taking her caste name.

It is submitted by learned counsel for the appellants that appellants are quite innocent and have committed no offence. Appellants have no concern with the aforesaid occurrence. They have been falsely implicated in the case due to dirty village politics. The allegation of assault levelled against the appellants is not specific rather general and omnibus in nature. Neither the appellants abused the informant by taking her caste name at the public place nor assaulted the informant side. There is case and counter case between the parties. The present case is counter blast of Dhanaha P.S. Case No. 143 of 2022, filed by appellant no.2 against the informant and others. Both the parties have sustained injuries. The injury sustained by the injured are simple in nature. There is inordinate delay of eight days in lodging the



case without assigning any plausible explanation for the said delay which creates serious doubt about the prosecution case. Appellants have no criminal antecedent as mentioned in para-3 of memo of appeal.

Learned Spl. PP for the State opposed the prayer for bail.

In the facts and circumstances of the case, as the injuries are simple in nature, 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 bond of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned 1st Addl. District and Sessions Judge cum Special Judge (SC/ST Act), Bettiah, West Champaran in connection with Bagaha SC/ST P.S. Case No. 21 of 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)

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