

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.406 of 2023**

Arising Out of PS. Case No.-140 Year-2020 Thana- CHANPATIA District- West Champaran

NIPU CHAUDHARY @ AMIT KUMAR CHAUDHARY Son of Narendra
Chaudhary @ Narendra Kumar Chaudhary Resident of Village- Pokharia,
P.S.- Chanpatiya, District- West Champaran

... .. Appellant/s

Versus

1. The State of Bihar
2. Vasudev Ram Son of Tulsi Ram Resident of Ambedkar Nagar Pokhariya,
Ward No.-12, P.S.- Chanpatiya, District- West Champaran

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Binay Kumar
For the Respondent/s : Mr. Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA

ORAL ORDER

- 6 11-11-2024 1. Heard learned Counsel for the appellant and learned
Additional Public Prosecutor for the State.
2. An order, dated 07.12.2022, passed by learned Additional
District and Session Judge I -cum- Special Judge SC/ST,
Bettiah, West Champaran, in ABP No. 3364 of 2022, is
under challenge in the present appeal preferred under
Section 14-A (2) of the Schedule Caste and Schedule
Tribes (Prevention of Atrocities) Act, 1989, whereby the
anticipatory bail application of the appellant in
connection with Chanpatia Police Station Case No. 140 of
2020 Sections



147/148/149/341/323/324/354/307/427/448/504/506 of the Indian Penal Code, Section 27 of the Arms Act and Sections 3 (i)(r)(s)w(i) and 3 (2)(v)(va) of the Schedule Caste/Schedule Tribe (Prevention of Atrocities) Act, has been rejected.

3. Despite service of notice, the respondent no. 2 has not appeared.
4. The prosecution case, as per the First Information Report, is that on 05.04.2020, at about 07:00 PM, the FIR named accused persons came at the door of the informant and started abusing by taking his caste name and also assaulted him and other family members by means of lathi, bhala, farsa and iron rod. It has further been alleged that the accused persons destroyed household articles of the informant and also misbehaved with the women.
5. Learned counsel for the appellant submits that the appellant has not committed any offence in the manner alleged and has falsely been implicated in the present case due to oblique motive. He next submits that the appellant is not named in the First Information Report, rather, his name has transpired during the course of investigation. The FIR named accused Sheikh Munna @ Sheikh Munna



Mian has been granted anticipatory bail by a Co-ordinate Bench of this Court in Cr. Appeal (SJ) No. 4653 of 2021. He further submits that the provision for SC/ST Act is not attracted against the appellant inasmuch as there is no specific allegation or overt act against him. The appellant is having no criminal antecedent.

6. Learned Special Public Prosecutor submits that similarly situated co-accused person has been granted anticipatory bail by a Co-ordinate Bench of this Court in Cr. Appeal (SJ) No. 4653 of 2021.
7. Having regard to the submissions made on behalf of the parties and taking into consideration the fact that the appellants is not named in the First Information Report and the co-accused has been granted anticipatory bail by a Co-ordinate Bench of this Court, I am inclined to grant the appellant privilege of anticipatory bail.
8. This appeal is, accordingly, allowed and the order, dated 07.12.2022, passed by learned Additional District and Sessions Judge I -cum- Special Judge, SC/ST, Bettiah West Champaran, in ABP No. 3364 of 2022, is set aside.
9. Let the appellant, above named, in the event of his arrest or surrender before the Court below within four weeks, be



released on bail on furnishing bail bond of Rs. 10,000/-
(Ten Thousand) each with two sureties of the like amount
each to the satisfaction of learned Additional District and
Sessions Judge I -cum- Special Judge, SC/ST, Bettiah
West Champaran, in connection with Chanpatia Police
Station Case No. 140 of 2020, subject to the condition
laid down under Section 438 (2) of the Code of Criminal
Procedure.

(Anil Kumar Sinha, J)

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