

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.16 of 2024

Arising Out of PS. Case No.-37 Year-2023 Thana- BHADAUR District- Patna

Harichandra Kumar @ Haricharan Chauhan Son of Shiv Narayan Chauhan
R/o vill - Dabhawan, P.S. - Bhadaur, Distt. - Patna

... .. Appellant/s

Versus

1. The State of Bihar
2. Pintu Paswan Son of Late Pravesh Paswan R/o vill - Dabhawan, P.s. - Bhadaur, Distt. - Patna

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Arun
For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

5 19-09-2024 Despite valid service of notice, no one appears on behalf of the respondent no. 2.

2. Heard learned counsel for the appellant and learned Special P.P. for the State.

3. This appeal has been filed for setting aside order dated 07.10.2023, passed in a case registered for the offence punishable under Sections 341, 323, 325, 307, 504, 506/34 of the Indian Penal Code and Sections 3(1)(r)(s) 3(2) (va) of the Scheduled Castes and Scheduled Tribes Act, whereby the prayer for anticipatory bail of the appellant has been rejected.

4. The prosecution case in brief is that on the alleged date and time of occurrence, this appellant came and abused the



informant's brother by calling his caste name and also assaulted with *lathi*, *danda* and bricks with intention to kill.

5. It is submitted by learned counsel appearing on behalf of the appellant that this appellant is innocent and has falsely been implicated in this case. There is no specific allegation of assault against these appellant rather the allegation is general and omnibus in nature. Both the parties are co-villagers. There is delay of two days in lodging the F.I.R. appellant bears fair antecedent. Moreover, it is not the case of the prosecution that any member of public was present at the time of incidence and as such, no case under Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act is made out. Appellant claims clean antecedent.

6. On the other hand, learned Spl.PP. appearing on behalf of the State has vehemently opposed the prayer for grant of bail to this appellant.

7. Considering the aforesaid facts and circumstances of the case and also appellant has clean antecedent, this appeal is allowed and the impugned order dated 07.10.2023 passed by the learned Exclusive Special Court, SC/ST Act, Patna in connection with Bhadaur P.S. Case No. 37/2023, is hereby set aside with respect to this appellant only.



8. Accordingly, let the appellant, named above, in the event of arrest/surrender within a period of eight weeks from the date of receipt/production of a copy of this order, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Court, SC/ST Act, Patna in connection with Bhadaur P.S. Case No. 37/2023.

(Prabhat Kumar Singh, J)

Ranjeet/-

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