

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1670 of 2024

Arising Out of PS. Case No.-3 Year-2024 Thana- KHUDWA District- Aurangabad

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1. Janardhan Choudhary S/o- Late Ramashish Choudhary @ Lt Ramashish Chaudhary R/o Vill- Shagarpur, P.S.- Khudwan, Dist- Aurangabad.
 2. Suresh Choudhary S/o- Late Kishun Cahuadhary R/o Vill- Shagarpur, P.S.- Khudwan, Dist- Aurangabad.
 3. Gopal Choudhary S/o- Ramashish Choudhary R/o Vill- Shagarpur, P.S.- Khudwan, Dist- Aurangabad.

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Kishori Paswan S/o- Late Mahangu Paswan R/o Vill- Bhaduan, P.S.- Khudwan, Dist- Aurangabad.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Pramendra Kumar Singh, Adv
For the State	:	Mrs. Usha Kumari 1, Spl.PP
For the Respondent no.2	:	Mrs.Mukul Kumari, Adv.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 25-10-2024 Heard learned counsel for the appellants, learned counsel for the respondent no.2 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, against the refusal of prayer of anticipatory bail vide order dated 01.03.2024, passed by learned Special Judge, (SC/ST)-cum-1st Additional District & Sessions Judge, Aurangabad (Bihar), in connection with Khudwan P.S. Case No.03 of 2024, registered under Sections 147, 149, 341, 323, 325 of the Indian Penal Code and Section 3(2)(va)/3(1)(t), 3(1)(s)3(1)(r) of the



Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

3. As per the prosecution case, it is alleged that the F.I.R. named accused persons including the appellants took hold of the informant and assaulted him.

4. It is submitted by learned counsel for the appellants that the 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. No person has sustained any injury. It is further submitted that no offence under the SC/ST Act is made out against the appellants as there is no specific allegation against them to abuse the informant by taking his caste name. Appellants have no criminal antecedent as mentioned in para-3 of memo of appeal.

4. Learned Spl. PP for the State as well as learned counsel for the respondent no.2 opposed the prayer for bail.

5. In the facts and circumstances of the case, let 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 Special Judge, (SC/ST)-cum-1st Additional District & Sessions Judge, Aurangabad (Bihar), in connection with Khudwan P.S. Case No.03 of 2024, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

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

(Anjani Kumar Sharan, J)

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