

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1938 of 2024

Arising Out of PS. Case No.-50 Year-2024 Thana- GHORASAHAN District- East
Champaran

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1. Chandan Kumar @ Aryan Kumar S/o Sanjay Rai @ Sanjay Kr. Yadav R/o vill - Gola Pakariya Tola Fatehpur, P.S. - Lakhaura, Distt. - East Champaran
 2. RajKapur @ Rajkapur Kumar S/o Munna Rai @ Munna Kumar R/o vill - Gola Pakariya Tola Fatehpur, P.S. - Lakhaura, Distt. - East Champaran
 3. Bhadai @ Upendra Kumar S/o Harishankar Rai @ Harishankar Prasad Yadav R/o vill - Gola Pakariya Tola Fatehpur, P.S. - Lakhaura, Distt. - East Champaran
 4. Rahul Kumar S/o Ajay Rai @ Ajay Prasad Yadav R/o vill - Gola Pakariya Tola Fatehpur, P.S. - Lakhaura, Distt. - East Champaran

... .. Appellant/s

Versus

1. The State of Bihar
2. Subhash Ram S/o Late Madan Ram R/o vill - Majirwa Ghorasan, P.s. - Lakhaura, Distt. - East Champaran

... .. Respondent/s

Appearance :

For the Appellants	:	Mr. Sarvesh Kashyap, Advocate
For the State	:	Mr. Sadanand Paswan, Spl.PP
For Respondent No. 2	:	Mr. Deepak Kumar Vidyapati, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 27-06-2024 Heard learned counsels for the parties.

2. This appeal has been filed for setting aside order dated 11.03.2024 passed in a case registered for the offence punishable under Sections 337, 338, 307, 354B, 379, 341, 323, 504 and 34 of the Indian Penal Code and Section 3(i)(r)(w) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, whereby the prayer for anticipatory bail of the appellants has been rejected.



3. As per prosecution case, on 22.01.2024 at 2 o'clock in the day, while the informant along with his granddaughter, namely Riya Kumari, was going to Hanuman Mandir and when he reached the near Chiran Machine, all the F.I.R. named accused persons, including these appellants, came on a motorcycle and on the instigation of Appellant No. 2, Appellant No. 1 hit Riya Kumari by motorcycle. It is further alleged that they also abused the informant and his granddaughter by caste name and assaulted them and thereafter fled away. It is further alleged that thereafter, when Riya Kumari was taken to village doctor, namely Lalan Prasad Yadav, for treatment, in the meanwhile, all the accused persons came there and abused them by caste name and threatened with pistol.

4. It is submitted by learned counsel appearing on behalf of the appellants that as a matter of fact, the informant's granddaughter got hit by some stranger's motorcycle but taking advantage of the situation, this false and concocted case has been lodged and these appellants have been false implicated in this case. F.I.R. has been lodged after delay of four days, without any explanation for the same. It is not the case of the prosecution that that any member of public was present at the place of incidence and as such, no case under the Scheduled



Castes and Scheduled Tribes (Prevention of Atrocities) Act is made out. It is further submitted that dispute between the parties has amicably been settled and both parties do not want to pursue the case further. Appellants claim clean antecedent.

5. Learned counsel appearing on behalf of Respondent No. 2 does not dispute the fact of compromise between the parties.

6. Considering the aforesaid facts and circumstances of the case, delay in lodging of the F.I.R., clean antecedents of the appellants and compromise between the parties, this appeal is allowed and the impugned order dated 11.03.2024 passed by the Court of learned Special Judge, SC/ST Act, East Champaran, Motihari, in connection with A.B.P. No. 1014 of 2024 arising out of Ghorasahan (Lakhaura) P.S. Case No. 50 of 2024 is hereby set aside with respect to these appellants only.

7. Accordingly, let the appellants, 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) each with two sureties of the like amount each to the satisfaction of the learned Special Judge, SC/ST Act, East Champaran,



Motihari, in connection with Ghorasahan (Lakhaura) P.S. Case
No. 50 of 2024.

(Prabhat Kumar Singh, J)

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