

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2113 of 2024

Arising Out of PS. Case No.-4 Year-2024 Thana- SC/ST District- Bhagalpur

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1. Chotu Kumar @ Shivam Kumar Son Of Uma Shankar Choudhary Village- Nanhkar (Jayrampur) Ps- Bihpur, Dist- Bhagalpur
 2. Uma Shankar Choudhary @ Uma Shankar Kumar Son Of Late Thakur Choudhary Village- Nanhkar (Jayrampur) Ps- Bihpur, Dist- Bhagalpur
 3. Suman Devi Wife Of Uma Shankar Choudhary Village- Nanhkar (Jayrampur) Ps- Bihpur, Dist- Bhagalpur

... .. Appellant/s

Versus

1. The State of Bihar
2. Manju devi wife of Bablu das village-Nanhkar (Jayrampur) ps- Bihpur, dist- Bhagalpur

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Rakesh Kumar, Advocate
For the Respondent/s : Ms. Usha Kumari 1, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 04-12-2024 Heard learned counsel for the appellants and learned
Special Public Prosecutor for the State.

2. Learned Spl.PP. for the State submits that vide order dated 12.06.2024 passed by the co-ordinate Bench of this Court, he informed the informant to appear in the present appeal through her counsel, but nobody appears on her behalf.

3. 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 09.04.2024 passed by learned A.D.J. III-cum-Special Judge, SC/ST (PoA) Act, Bhagalpur, in connection with Naugachiya SC/ST P.S. Case No. 04 of 2024 registered under Sections 341, 323, 504, 506/34 of the Indian Penal Code and Section 3(1) (r) (s)/ 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

4. As per prosecution case, the allegation against the appellants is that they gave caste based abuse to the informant and they also assaulted the informant.

5. 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. It is further submitted that on persual of the FIR, it is clear that there is admitted land dispute between the parties. This fact is not denied by the learned Spl.P.P. for the State. He relied upon the judgement of Apex Court in **Hitesh Verma Vs. State of Uttarakhand and another reported in (2020) 10 Supreme Court Cases 710**. There is inordinate delay of four days in lodging the case without assigning any plausible explanation for the said delay which creates serious doubt about the prosecution case. Appellants have criminal antecedent as mentioned in para-3 of memo of appeal.



6. Learned Spl. PP for the State opposed the prayer for bail and submits that the appellants abused the informant by taking his caste name.

7. In the facts and circumstances of the case and considering the order of the Apex Court, 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 A.D.J. III-cum-Special Judge, SC/ST (PoA) Act, Bhagalpur in connection with Naugachiya SC/ST P.S. Case No. 04 of 2024, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

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

(Anjani Kumar Sharan, J)

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