

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3229 of 2024**

Arising Out of PS. Case No.-30 Year-2023 Thana- BHAGALPUR COMPLAINT CASE
District- Bhagalpur

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Sunil Choudhary, S/o- Late Misri Choudhary @ Kritlal Choudhary Village-
Gouripur, P.S. Bihpur, Dist. Bhagalpur

... .. Appellant/s

Versus

1. The State of Bihar
2. Bhairav Das, Son of Hirdi Das Village- Narkatiya Ps- Kharik Dist-
Bhagalpur

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Davendra Kumar Pandey

For the Respondent/s : Mr.Binay Krishna

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 30-09-2024 1. Heard learned counsel for the appellant and the
learned Special Public Prosecutor for the State.

2. The appellant has challenged the order dated
18.06.2024 passed by the learned Additional District & Sessions
Judge-III-cum- Special Judge, SC/ST Act, Bhagalpur in
connection with Complaint Case No.30 of 2023, instituted for
the offences under Section 352 of the Indian Penal Code and
Section 3(1)(s) of the Scheduled Castes & Scheduled Tribes
(Prevention of Atrocities) Act, whereby his prayer for grant of
anticipatory bail has been rejected.

3. The learned counsel for the appellant submits that
the appellant is a person with clean antecedent and has been



falsely implicated in the instant case by the informant with an allegation that he cultivates the land of one Narendra Ray as *Bataidar* and the appellant also cultivates the adjacent land on contract and the appellant on a day before institution of the instant FIR, destroyed the field, on which the informant was cultivating and when the informant opposed the appellant, he abused him by taking caste name and also threatened to kill him.

4. The learned counsel for the appellant submits that from bare perusal of the allegation as alleged in the complaint, it would manifest that the same does not inspire confidence rather is cryptic and vague. It is also submitted that on account of dispute relating to land, the instant complaint came to be instituted and appellant is a person with clean antecedent and is not a criminal.

5. The learned Special P. P. opposes the appeal, but then, fairly submits that as recorded at Para-3, appellant is a person with clean antecedent, but then, there is allegation that he abused the informant by taking caste name, on which the learned counsel appearing on behalf of the appellant submits that the FIR does not even remotely suggest that the occurrence was witnessed by any independent witnesses. At this stage, the learned Special P. P. Submits that since cognizance has been



taken, as such, it would be presumed that a prima facie offence has been made out, hence, anticipatory bail application is not maintainable.

6. After considering the submissions made by the learned counsel for the parties, the appeal is disposed of with a direction to the appellant to surrender on or before 21.10.2024 and if the appellant surrenders on or before 21.10.2024, the learned trial Court shall dispose of the case on the same day keeping in view the fact that the occurrence was not witnessed by any independent witnesses.

(Satyavrat Verma, J)

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