

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3608 of 2023

Arising Out of PS. Case No.-133 Year-2023 Thana- GURUA District- Gaya

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1. Gautam Kumar Chaudhary @ Gautam Chaudhary, (M), aged about 20 years, Son of Suchit Chaudhari, Resident of village - Raksa, P.S. - Gurua, Distt. - Gaya.
 2. Karnal Chaudhary, (M), aged about 19 years, Son of Suchit Chaudhari, Resident of village - Raksa, P.S. - Gurua, Distt. - Gaya.

... .. Appellants

Versus

1. The State of Bihar.
2. Pintu Kumar, aged about 20 years, Son of Shivnath Chaudhary, Resident of village - Naudiha, P.S. - Gurua, Distt. - Gaya.

... .. Respondents

Appearance :

For the Appellants	:	Mr. Md. Javed Jafar Khan, Advocate
For the Respondent No.2:		M/S. Umesh Prasad and Shantan Shivam,
		Advocates
For the State	:	Mrs. Usha Kumari 1, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

3 23-02-2024 Learned counsel for the appellants is directed to remove the defect(s) as pointed by the office, if any, within a period of three weeks from today.

2. Heard learned counsel for the appellants, learned counsel for the respondent no. 2 and learned Spl. P.P. for the State.

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 of



the appellants vide order dated 24.05.2023, passed by the learned Exclusive Special Judge, SC/ST, Gaya, in A.B.P. No. 125 of 2023 in connection with Gurua P.S. Case N o. 133 of 2023, registered for the offences punishable under Sections 341, 323, 447, 307, 385, 379, 506/34 of the I.P.C. and Sections 3(1) (3r)(s) and 3(2)(v) of the SC/ST Act.

4. The prosecution case, in brief, is that on 10.03.2023 at about 4.30 P.M., Karnal Chaudhary (appellant no. 2), the co-accused Guddu Singh, Suranjan Dangi, Niranjana Das, Raghunandan Sao and Ravi Kumar Das came at the Choumin Shop of the informant and abused by calling his caste name and demanded Choumin free of cost. On protest, they alongwith 15 others armed with weapons came and assaulted him, his mother, sister-in-law (Bhabhi). The co-accused Suranjan Dangi, Niranjana Das, Guddu Singh, Karnal Chaudhary (appellant no. 2) assaulted him with bat and hockey stick. The co-accused Niranjana took out pistol from his waist and assaulted with hockey causing head injury and he fell down and became unconscious. When he regained his consciousness, he found himself on the pool of blood. The co-accused Niranjana Das, Guddu Singh, Amit Paswan, Karnal Chaudhary (appellant no. 2) Suranjan Dangi tore the blouse of his mother and sister-in-law



(Bhabhi). They threatened to commit serious crime with him and his family members. The accused persons also took cash of Rs. 15,000/- from the shop and snatched the Mangalsutra and nose-pin, ear-ring and mobile phone of his brother.

5. It is submitted by learned counsel for the appellants that the appellants are quite innocent and have falsely been implicated in the present case due to ulterior motive. There is general and omnibus allegation against the appellants. It is further submitted that the occurrence took place on 10.03.2023 and the F.I.R. was lodged on 15.03.2023 for which no explanation has been given by the prosecution. It is further submitted that no injury report is on the record to substantiate the allegation of assault against the appellants. Hence, no offence under Section 307 of the I.P.C., is made out against the appellants. Both the parties belong to the same caste. It is further submitted that no member of public was present at the relevant point of time of the alleged occurrence. Hence, no offence under SC/ST Act is made out against the appellants. The appellants have clean antecedent as stated in paragraph no. 3 of the memo of appeal.

6. Learned Spl. P.P. for the State and learned counsel for the respondent no. 2 have opposed the prayer for



anticipatory bail of the appellants.

7. In view of the aforesaid facts and circumstances of the case, the impugned order dated 24.05.2023, passed by the learned Exclusive Special Judge, SC/ST, Gaya, in A.B.P. No. 125 of 2023, arising out of Gurua P.S. Case No. 133 of 2023, is set aside against the appellants. The criminal appeal is allowed.

8. Accordingly, 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 anticipatory bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) each with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge, SC/ST Gaya, in connection with Gurua P.S. Case No. 133 of 2023, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Chandra Prakash Singh, J)

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