

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3600 of 2024

Arising Out of PS. Case No.-180 Year-2024 Thana- PAKARIBARAW District- Nawada

1. RAVI KUMAR @ RAVI CHAURASIA SON OF LATE ARUN CHAURASIA R/V- VILLAGE- DOLA, P.S.- PAKRIBARAW, DISTT.- NAWADA
2. VIRU CHAURASIA SON OF NANHU CHAURASIA R/V- VILLAGE- DOLA, P.S.- PAKRIBARAW, DISTT.- NAWADA
3. MUKESH CHAURASIA SON OF PAPPU CHAURASIA R/V- VILLAGE- DOLA, P.S.- PAKRIBARAW, DISTT.- NAWADA
4. AJIT KUMAR @ AJIT CHAURASIA SON OF RAMDEO CHAURASIA R/V- VILLAGE- DOLA, P.S.- PAKRIBARAW, DISTT.- NAWADA
5. BITTU KUMAR @ BITTU CHURASIA SON OF MURARI CHAURASIA R/V- VILLAGE- DOLA, P.S.- PAKRIBARAW, DISTT.- NAWADA
6. GUDDU CHURASIA SON OF BAIKUNTH CHAURASIA R/V- VILLAGE- DOLA, P.S.- PAKRIBARAW, DISTT.- NAWADA
7. SATISH PRASAD @ SATISH CHURASIA SON OF RAJO @ RAJENDRA CHURASIA R/V- VILLAGE- DOLA, P.S.- PAKRIBARAW, DISTT.- NAWADA
8. AKHILESH KUMAR @ AMAN KUMAR @ AKHILESH CHAURASIA SON OF RAJO CHAURASIA @ RAJENDRA PRASAD CHURASIA R/V- VILLAGE- DOLA, P.S.- PAKRIBARAW, DISTT.- NAWADA
9. MINTA DEVI WIFE OF RAJARAM CHAURASIA R/V- VILLAGE- DOLA, P.S.- PAKRIBARAW, DISTT.- NAWADA
10. RAHUL KUMAR SON OF JANGU CHAURASIA R/V- VILLAGE- DOLA, P.S.- PAKRIBARAW, DISTT.- NAWADA
11. RAMAUTAR CHAURASIA SON OF LATE LAKHAN CHAURASIA R/V- VILLAGE- DOLA, P.S.- PAKRIBARAW, DISTT.- NAWADA
12. SUBASH KUMAR @ SUBASH CHAURASIA SON OF RAJARAM CHAURASIA R/V- VILLAGE- DOLA, P.S.- PAKRIBARAW, DISTT.- NAWADA
13. RAMGULAM PRASAD @ RAMGULAM CHAURASIA SON OF BISHNU CHAURASIA R/V- VILLAGE- DOLA, P.S.- PAKRIBARAW, DISTT.- NAWADA

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. ARJUN PASWAN SON OF LATE HARO PASWAN R/V- VILLAGE- DOLA, P.S.- PAKRIBARAW, DISTT.- NAWADA

... .. Respondent/s



Appearance :

For the Appellants : Mr. Vitesh Kumar Singh, Advocate
For the State : Mr. Binay Krishna, Spl.PP
For Respondent No. 2 : N o n e

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 22-11-2024 Heard learned counsel appearing for the appellants
and learned Special Public Prosecutor appearing for the
respondent-State.

2. Despite filing *Vakalatnama*, no one appears on
behalf of Respondent No. 2.

3. At the outset, learned counsel appearing on behalf
of the appellants seeks permission to withdraw this application
on behalf of Appellant Nos. 1, 5 and 13, namely Ravi Kumar @
Ravi Chaurasia, Bittu Kumar @ Bittu Churasia and Ramgulam
Prasad @ Ramgulam Chaurasia, as during pendency of this
case, Appellant Nos. 1, 5 and 13 have already been arrested.

4. Permission, as prayed for, is accorded.

5. Accordingly, this application on behalf of Appellant
Nos. 1, 5 and 13 stands dismissed as withdrawn.

6. This appeal has been filed for setting aside order
dated 18.05.2024 passed in a case registered for the offence
punishable under Sections 147, 149, 504, 307, 427, 354B, 379
and 506 of the Indian Penal Code and Sections 3(1)(r) and 3(1)
(s) of the Scheduled Castes and Scheduled Tribes (Prevention of



Atrocities) Act, whereby the prayer for grant of anticipatory bail to these appellants has been rejected.

7. As per prosecution case, all the F.I.R. named accused persons, including these appellants, assaulted and abused informant and others by caste name.

8. It is submitted by learned counsel appearing on behalf of the appellants that the appellants are innocent and have falsely been implicated in this case. From bare perusal of the F.I.R. it is apparent that specific accusation of assault is against co-accused Pankaj Chaurasia and Dinesh Chaurasia. So far as these appellants are concerned, there are general and omnibus allegations and there is no specific accusation of overt act against these appellants. It is further submitted that it is not the case of the prosecution that any member of the public was present at the time of occurrence and as such, no case under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act is made out against these appellants. Appellants claim clean antecedents.

9. On the other hand, learned Spl. P.P. appearing for the respondent-State has opposed the prayer for grant of bail to the appellants.

10. Considering the aforesaid facts and circumstances



of the case, the impugned order dated 18.05.2024 passed by the learned Exclusive Special Court, Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, Nawada, in connection with A.B.P. No. 1258 of 2024 arising out of Pakaribarawa P.S. Case No. 180 of 2024 is hereby set aside with respect to Appellant Nos. 2 to 4 and 6 to 12 only.

11. Accordingly, let the Appellant Nos. 2 to 4 and 6 to 12, 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 learned Exclusive Special Court, Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, Nawada, in connection with Pakarbarawa P.S. Case No. 180 of 2024.

12. With the aforesaid observations and directions, this application stands disposed of.

(Prabhat Kumar Singh, J)

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