

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3961 of 2024

Arising Out of PS. Case No.-37 Year-2024 Thana- SC/ST District- Bhojpur

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1. Shiv Bachan Choudhary @ Shiv Bachan Chaudhary son of Late Ramasharaya Chaudhary Resident of Village -Keshopur Bakri PS -Udwanthnagar, Dist- Bhojpur
 2. Mani Bhushan Choudhary Son of Shiv Bachan Choudhary @ Shiv Bachan Chaudhary Resident of Village -Keshopur Bakri PS -Udwanthnagar, Dist- Bhojpur
 3. Ram Bachan Choudhary son of Late Ramasharaya Chaudhary Resident of Village -Keshopur Bakri PS -Udwanthnagar, Dist- Bhojpur
 4. Santosh Choudhary Son of Ram Bachan Choudhary Resident of Village -Keshopur Bakri PS -Udwanthnagar, Dist- Bhojpur

... .. Appellant/s

Versus

1. The State of Bihar
2. Nitesh Kumar son of Late Sita Ram Rajak Resident of Village -Keshopur Bakri PS -Udwanthnagar, Dist- Bhojpur

... .. Respondent/s

Appearance :

For the Appellants	:	Mr. Manoj Kumar, Advocate
For the State	:	Mr. Sadanand Paswan, Spl.PP
For Respondent No. 2	:	Mr. Parmatma Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 24-09-2024 Heard learned counsels for the parties.

2. At the outset, learned counsel appearing on behalf of the appellants seeks permission to withdraw this application on behalf of Appellant No. 1, namely Shiv Bachan Choudhary, as during pendency of this case, Appellant No. 1 has already been arrested.

3. Permission, as prayed for, is accorded.

4. Accordingly, this application on behalf of Appellant



No. 1 stands dismissed as withdrawn.

5. This appeal has been filed for setting aside order dated 08.08.2024, passed in a case registered for the offence punishable under Sections 191(2), 109, 190, 115(2), 126(2), 352 and 351(2) of the Bhartiya Nyaya Sanhita and Sections 3(i) (द), 3(i)(ध) and 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, whereby the prayer for anticipatory bail of these appellants has been rejected.

6. The prosecution case in brief is that on 30.06.2024 at about 6:50 PM, while informant was returning home and reached near Aangan Bari Centre, in the meantime, all the F.I.R. named accused persons, including these appellants, arrived there and asked informant to withdraw the earlier case filed by him and on objection, all the accused persons abused him by caste name and also assaulted him and his vehicle by means of *danda* and rod. It is further alleged that they also snatched Rs. 1,500/- and gold chain from the informant.

7. It is submitted by learned counsel appearing on behalf of the appellants that appellants are innocent and have falsely been implicated in this case. Both parties are next door neighbors and due to dispute, a free fight took place between the parties in which both sides sustained injuries. There



is case and counter-case and case lodged by the appellants' side is prior in point of time. Moreover, it is not the case of the prosecution that any member of public was present at the time of incidence and as such, no case under Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act is made out.

8. On the other hand, learned S.P.P. appearing on behalf of the State and learned counsel appearing on behalf of the informant/Respondent No. 2 have vehemently opposed the prayer for grant of bail to this appellant.

9. Considering the aforesaid facts and circumstances of the case, this appeal is allowed and the impugned order dated 08.08.2024 passed by the Court of learned Additional Sessions Judge 1st-cum-Special Judge, SC/ST Act, Bhojpur at Ara, in connection with A.B.P. No. 2094 of 2024 is hereby set aside with respect to Appellant Nos. 2, 3 and 4 only.

10. Accordingly, let Appellant Nos. 2, 3 and 4, 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 ADJ 1st-cum-Special Judge, SC/ST, Bhojpur at Ara, in connection with SC/ST P.S.



Case No. 37 of 2024.

11. Accordingly, this appeal stands disposed of.

(Prabhat Kumar Singh, J)

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