

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4391 of 2023

Arising Out of PS. Case No.-113 Year-2023 Thana- SONEPUR District- Saran

SONU CHOURLASIYA son of Late Ganesh Prasad Chourasiya @ Ganesh Chourasiya Village- Bharpura Ps- sonapur Dist- Saran P/A- Makhanpur Idgah Road Chailital Ps- Patna City Dist- Patna

... .. Appellant/s

Versus

1. The State of Bihar
2. Malti Devi not given Village- Bharpura Verma Chowk Behind Railway Line Ps- Sonapur Dist- Saran

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Jagjit Roshan Mr. Anjani Kumar
For the Respondent/s	:	Mr. Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 3 12-12-2024 1. Heard learned counsel for the appellant and learned Additional Public Prosecutor for the State.
2. An order, dated 25.08.2023, passed by learned SC/ST Special Judge, Chapra, Saran, in ABP No. 3042 of 2023, is under challenge in the present appeal preferred under Section 14-A (2) of the Schedule Caste and Schedule Tribes (Prevention of Atrocities) Act, 1989, whereby the anticipatory bail application of the appellant in connection with Sonapur Police Station Case No. 113 of 2023 registered for the offence punishable under Sections 341/323/324/354B/504/506 of the Indian Penal Code and Sections 3(1)(r)(s) and 3(2)(va) of the Schedule



Caste/Schedule Tribe (Prevention of Atrocities) Act, has been rejected.

3. The prosecution case, as per the First Information Report, is that on 19.02.2023, in the afternoon, while the informant was at her home, her co-villagers, namely, Sonu Chourasiya i.e. the appellant, along with co-accused Kanhai Chourasiya, came in drunken condition on motorcycle and started abusing the informant by her caste name and when she objected, the appellant assaulted on her head with butt of the pistol. When son and daughter of the informant intervened, co-accused Kanhai Chourasiya assaulted them and abused them by their caste name and molested the daughter of the informant.
4. Learned counsel for the appellant submits that both the parties are neighbours and he has falsely been implicated in the present case due to dispute between them as they are not on good terms. He next submits that the appellant has been made accused in this case on the basis of concocted story and direct allegation of molesting the informant's daughter is upon co-accused Kanahi Chourasiya. He further submits that abuse in the caste name of the informant is not in full public view, rather the



same is allegedly in front of the house of informant, which is not public view. Injury caused to the informant is simple in nature as would be evident from the injury report.

5. Despite information having been given by learned Special Public Prosecutor, no one appeared on behalf of the respondent no. 2.
6. Learned Special Public Prosecutor, referring to the case diary, submits that injury caused to the informant is simple in nature.
7. Having regard to the submissions made on behalf of the parties and taking into consideration the fact that both the parties are neighbours, the caste name was not taken in full public view and allegation of molestation is against the co-accused Kanhai Chourasiya, who has been granted regular bail by this Court, I am inclined to grant the appellant privilege of anticipatory bail.
8. This appeal is, accordingly, allowed and the order, dated 25.08.2023, passed by learned SC/ST Special Judge, Chapra, Saran, in ABP No. 3042 of 2023, is set aside.
9. Let the appellant, above named, in the event of his arrest or surrender before the Court below within four weeks, be



released 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 SC/ST Special Judge,
Chapra, Saran, in connection with Sonapur Police Station
Case No. 113 of 2023, subject to the condition laid down
under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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