

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5226 of 2023

Arising Out of PS. Case No.-37 Year-2023 Thana- BHADAUR District- Patna

RAJA CHAUHAN @ RAJEEV KUMAR @ RAJA KUMAR Son of Moti
Chauhan R/o vill - Dabhawan, P.S. - Bhadaur, Distt. - Patna

... .. Appellant/s

Versus

1. The State of Bihar
2. Pintu Paswan Son of Late Ram Pravesh Paswan R/o vill - Dabhawan, P.S. - Bhadaur, Distt. - Patna

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Arun
For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

8 19-09-2024 Despite valid service of notice, no one appears on behalf of the respondent no. 2.

2. Heard learned counsel for the appellant and learned Special P.P. for the State.

3. This appeal has been filed for setting aside order dated 07.10.2023, passed in a case registered for the offence punishable under Sections 341, 323, 325, 307, 504, 506/34 of the Indian Penal Code and Sections 3(1)(r)(s) 3(2) (va) of the Scheduled Castes and Scheduled Tribes Act, whereby the prayer for anticipatory bail of the appellant has been rejected.

4. The prosecution case in brief is that on the alleged date and time of occurrence, this appellant came and abused the



informant's brother by calling his caste name and also assaulted with *lathi*, *danda* and bricks with intention to kill.

5. It is submitted by learned counsel appearing on behalf of the appellant that this appellant is innocent and has falsely been implicated in this case. The allegation is found to be general and omnibus in nature against this appellant. Both the parties are co-villagers. There is delay of two days in lodging the F.I.R. The appellant has three criminal antecedent in which in two cases he is on bail. 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.

6. Learned Spl. PP for the State has opposed the prayer for anticipatory bail to the appellant and submitted that this appellant is F.I.R. named and the allegation of abuse and assault is against this appellant only. It is further submitted that appellant has also got three criminal antecedents.

7. Considering the nature of accusation, gravity of offence and also the fact that appellant has got three criminal antecedents, this Court is not inclined to grant anticipatory bail to this appellant.

8. I do not find any reasons to interfere with the



impugned order, accordingly this appeal is dismissed with
respect to this appellant only.

(Prabhat Kumar Singh, J)

Ranjeet/-

U		T	
---	--	---	--

