

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3165 of 2024

Arising Out of PS. Case No.-9 Year-2024 Thana- SC/ST District- Bhagalpur

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1. Shambhu Nath Choudhary Son of Late Maheshwar Choudhary R/o- Village- Kathela, P.s.- Kharik Bazar, Distt.- Bhagalpur
 2. Amit Choudhary Son of Late Vijay Choudhary R/o- Village- Kathela, P.s.- Kharik Bazar, Distt.- Bhagalpur

... .. Appellant/s

Versus

1. The State of Bihar
2. Binod Das Son of Late Tarni Das R/O- VILLAGE- KHAIRPUR, WARD NO. 7, P.S.- KHARIK, DISTT.- BHAGALPUR

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Ramakant Sharma, Sr. Advocate Mr. Rakesh Kumar Sharma, Advocate
For the Respondent/s	:	Ms. Usha Kumari 1, Spl. PP
For the Respondent No. 2:	:	Mr. Ankit Raj, Advocate

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

3 07-11-2025 Heard learned Senior Counsel for the appellants, learned counsel for respondent no. 2 and learned Special Public Prosecutor for the State.

2. This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 against the rejection of prayer for anticipatory bail vide order dated 14.06.2024 passed by the learned Additional District & Sessions Judge-III-cum-Special Judge, SC/ST Act, Bhagalpur in A.B.P. No. 1316 of 2024, arising out of Naugachia SC/ST Police Station Case No. 09 of



2024 registered for the offences punishable under Sections 341, 323, 504, 506/34 of the IPC and Sections 3(1)(r)(s)/3(ii)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

3. As per the prosecution case, the informant has alleged that he had talked to the accused persons for purchasing 1½ katthas of land for which Rs. 2 lakh was paid to the accused Amit Choudhary in the year 2013 however he did not execute any sale deed for registration of the said land. It has further been alleged that on 27.04.2024 the informant and his wife, while they were working at their cycle shop, the accused persons came to vacate the house and shop and when the informant opposed, the accused started beating them by iron rod and even abused them by taking their caste name.

4. Learned Senior Counsel for the appellants has submitted that the appellants have been falsely implicated in this case merely because earlier they have lodged four cases against the informant with respect to transaction with regard to a land. It has further been submitted that there is general and omnibus allegation against the appellants and even the allegation with respect to abuse is stated to have taken place at the shop of the informant. It has next been submitted that the appellant no. 1 is



an old man aged 61 years and suffering from various old age ailments while the appellant no. 2 has been dragged merely because he happens to be the nephew of appellant no. 1. The appellants have got clean antecedent.

5. Learned counsel for the respondent no. 2 as well as learned Spl. PP have vehemently opposed the prayer for bail and have stated that there is specific allegation upon the appellants that they abused the informant and his wife at the shop by taking their caste name and had even assaulted them however, he could not point out the injuries sustained by the informant and his wife.

6. In view of the aforesaid facts and circumstances of the case as well as taking into account the submissions advanced by the learned counsel appearing for the appellants the impugned order dated 14.06.2024 is set aside.

7. The appeal is allowed.

8. Considering the facts and circumstances of the case the appellants, above named, be released on anticipatory bail, in the event of their arrest or surrender before the learned court below within a period of four weeks from today, on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned



Additional District & Sessions Judge-III-cum-Special Judge,
SC/ST Act, Bhagalpur in A.B.P. No. 1316 of 2024, arising out of
Naugachia SC/ST Police Station Case No. 09 of 2024 as laid
down under Section 438(2) of the Cr.P.C. read with
corresponding Section 482(2) of the B.N.S.S. as well as subject
to the following conditions:

- (I) The appellants are directed to remain physically present before the learned court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bonds of the appellant are liable to be cancelled.
- (II) The appellants shall not, in any manner, threaten, contact, or attempt to influence the informant/respondent no. 2 or any witness connected with this case.

9. It is made clear that the observation, if any, made in
this order, shall be of no bearing during the trial.

(Sourendra Pandey, J)

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