

Arising Out of PS. Case No.-101 Year-2019 Thana- GAURICHAK District- Patna

... .. Appellant/s

## Versus

... .. Respondent/s

**Appearance :**

For the Appellant/s : Mr. Ramji Kumar, Advocate  
For the Respondent/s : Ms. Usha Kumari 1, Spl. PP  
For informant : Mr. Abhay Kumar , Advocate

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH**  
**ORAL ORDER**

7      09-10-2025      Heard learned counsel for the parties.

2. This appeal has been filed for setting aside order dated 3/7/2019 passed in a case registered for the offence punishable under sections 147, 143, 149, 447, 341, 323, 325, 353, of I.P.C. and 3(1)(x) SC/ST Act, whereby the prayer for anticipatory bail of the appellant has been rejected.

3 . As per F.I.R. 6 named accused persons are said to have damaged boundary wall of Lakhna High School raised under supervision of the informant, and on protest made by the informant, these two appellants assaulted him by means of bat, breaking his left knee . When nephew of informant, namely ,



Niraj rushed to rescue him, co-accused Kundan assaulted him by means of bat. Subsequently, these appellants along with co-accused Mahendra Chauhan, Lal Babu Chauhan and Subhash Chauhan arrived at the house of the informant slated him and his mother and wife . However, on intervention of the villagers, who arrived there after sometime , they left the scene .

4. It is submitted on behalf of appellants that as a matter of fact, co-accused Kundan has performed inter caste marriage with the niece of informant in the year 2012 and in order to harass and humiliate these appellants, who happen to be family members of said Kundan Chauhan , informant lodged this false and concocted case against them. Appellants do not happen to be assailant. Allegation of abuse by caste name and assault is general and omnibus in nature . It is not the case of the informant that any member of public was present at the time of incident, and as such, no case under SC/ST Act is made out. Similarly situated co-accused persons who happen to be family members of co-accused Kundan Chauhan have already been granted bail by Co-ordinate Bench of this Hon'ble Court vide order dated 15.10.2019 in Cr. Appeal ( SJ) No. 3355 of 2019.

5 . Learned counsel for the respondent No. 2 as well as learned special public prosecutor for the State opposed the



bail.

6. Considering the aforesaid facts, this appeal is allowed and the impugned order is set aside. Let the appellants, 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 the learned court of SPL SC/ST Act Patna in connection with Gaurichak SC/ST Police Station Case No. 101 of 2019.

**(Prabhat Kumar Singh, J)**

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