

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4482 of 2023

Arising Out of PS. Case No.-334 Year-2023 Thana- PURNEA SADAR District- Purnia

ANIL CHOUHAN @ ANIL KUMAR CHOUHAN SON OF LATE NITAI
CHOUHAN RESIDENT OF VILLAGE- CHOUHAN TOLA WARD NO. 38,
PS- SADAR, DISTT- PURNEA

... .. Appellant/s

Versus

1. The State of Bihar
2. REKHA DEVI WIFE OF SHIV NARAYAN PASWAN RESIDENT OF
VILLAGE- JI PODDAR AMARNATH KOL STORE, WARD NO 38, PS-
SADAR, DISTT- PURNEA

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Brij Nandad Prasad, Advocate
For the Respondent/s : Mr. Sadanand Paswan, Spl. PP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 15-04-
2025

Heard Mr. Brij Nandad Prasad, learned counsel for
the appellant, learned counsel for the Respondent No.2 as well as
Mr. Sadanand Paswan, learned Special Public Prosecutor for the
State.

2. This is an appeal under Sections 14(A)(2) against
refusal of the prayer for anticipatory bail by order dated
19.08.2023 passed by the learned Special Judge SC/ST Act,
Purnea in connection with A.B.P. No. 68 of 2023 arising out of
Sadar P.S. Case No. 334 of 2023, F.I.R. dated 15.04.2023
registered under Sections 341, 323, 379, 436, 504, 506, 34 of the
Indian Penal Code and Sections 3(1)(r)(s), 3(2)(va) of the
Scheduled Castes and Scheduled Tribes (PoA) Act.



3. According to the prosecution case, the appellant along with other persons entered the house of the informant, assaulted them, set the house on fire and took out Rs. 45,000/- and threatened him of dire consequences.

4. Learned counsel for the appellant submits that appellant has clean antecedent and he has falsely been implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the appellant has not committed any offences as alleged in the F.I.R. He further submits that there is delay in lodging the present FIR inasmuch as the occurrence has taken place on 13.04.2023 and the FIR has been lodged on 15.04.2023. The appellant did not abused the informant and the place of occurrence is house of the informant therefore, the occurrence did not occurred in public place and in view of the judgment reported in **(2020) 10 SCC 710 (Hitesh Verma vs. State of Uttarakhand & Anr)** no case is made out under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act against the appellant.

5. Learned Special Public Prosecutor for the State and learned counsel for the Respondent no.2 vehemently opposed the prayer for bail of the appellant.

6. After hearing the parties, in my view for the



purpose of this anticipatory bail, no offence under the provisions of Scheduled Castes and Scheduled Tribes Act is made out.

7. Considering the aforesaid facts, appellant has clean antecedent and the occurrence took place in the house of the appellant which is not a public place, let the appellant, above named, in the event of his arrest to surrender before the Court below within a period of thirty days from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge SC/ST Act, Purnea in connection with A.B.P. No. 68 of 2023 arising out of Sadar P.S. Case No. 334 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure / Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita, 2023 and with other following conditions:-

i. Appellant shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

ii. If the appellant tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move



for cancellation of bail.

iii. And further condition that the court below shall verify the criminal antecedent of the appellant and in case at any stage it is found that the appellant has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the appellant. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

8. Accordingly, the impugned order is set aside and this appeal stands allowed.

(Rajesh Kumar Verma, J)

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