

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4454 of 2023

Arising Out of PS. Case No.-81 Year-2023 Thana- DAUDPUR District- Saran

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1. SACHIN KUMAR CHAURASIYA son of Rajendra Chaurasiya Village- Bareja Farusahi Ps- Daudpur Dist- Saran At Chapra
 2. Pappu Kumar Chaurasiya son of Rajendra Chaurasiya Village- Bareja Farusahi Ps- Daudpur Dist- Saran At Chapra
 3. Usha Devi Santanu Chaurasiya Village- Bareja Farusahi Ps- Daudpur Dist- Saran At Chapra
 4. Geeta Devi son of Sonu Chaurasiya @ Sannu chaurasiya Village- Bareja Farusahi Ps- Daudpur Dist- Saran At Chapra

... .. Appellant/s

Versus

1. The State of Bihar
2. Manju Devi wife of Niranjana Chaudhary Village- Bareja Farusahi Ps- Daudpur Dist- Saran At Chapra

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Chandra Mohan Jha, Advocate
For the Respondent/s : Mr. Sadanand Paswan, Spl.PP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 15-04-2025 Heard Mr. Chandra Mohan Jha, learned counsel for the appellants as well as Sadanand Paswan, learned Special Public Prosecutor for the State.

2. Despite of valid service of notice upon the Respondent No. 2, no one appeared on behalf of the Respondent No. 2.

3. This is an appeal under Sections 14(A)(2) against refusal of the prayer for anticipatory bail by order dated 30.06.2023 passed by the learned A.D.J. 3rd -cum- Special Judge



SC/ST/MP/MLA Saran at Chapra in connection with A.B.P. No. 2031 of 2023 arising out of Daudpur P.S. Case No. 81 of 2023, F.I.R. dated 02.03.2023 registered under Sections 341, 323, 354, 504, 34 of the Indian Penal Code and Sections 3(1)(s)(r), 3(2) of the Scheduled Castes and Scheduled Tribes (PoA) Act.

4. According to the prosecution case, the appellants assaulted and abused the informant and her family members by caste name.

5. Learned counsel for the appellants submits that appellants are innocent and they have 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 appellants have not committed any offences as alleged in the F.I.R. It appears from the FIR itself that there is no specific allegation of any assault or overt-act attributed against the appellants and the place of occurrence is house of the informant therefore, the occurrence was not occurred in public view. Apart from that, the filthy language used by the appellants, which was not in public domain so no case is made out under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act against the appellants.

6. Learned Special Public Prosecutor for the State has



vehemently opposed the prayer for bail of the appellants and submits that the appellant no. 1 has clean antecedent and appellant no. 2 has one criminal antecedent in which he is on bail and appellant nos. 3 & 4 have one criminal antecedents but after investigation both the appellants exonerated from the case.

7. 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.

8. Considering the aforesaid facts, the occurrence took place in the house of the appellant which is not a public place and there is no specific allegation against appellants, let the appellants, above named, in the event of their 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 A.D.J. 3rd -cum- Special Judge SC/ST/MP/MLA Saran at Chapra in connection with A.B.P. No. 2031 of 2023 arising out of Daudpur P.S. Case No. 81 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. Appellants 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 their absence on two consecutive dates without sufficient reason, their bail bonds shall be cancelled by the Court below.

ii. If the appellants tamper 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 antecedents of the appellants and in case at any stage it is found that the appellants have concealed their criminal antecedents, the Court below shall take step for cancellation of bail bonds of the appellants. 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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