

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5484 of 2023

Arising Out of PS. Case No.-888 Year-2023 Thana- BARACHATTI District- Gaya

-
-
1. AMBIKA CHAUDHARY @ AMBIKA CHOU SON OF LATE BANSHI CHAUDHARY RESIDENT OF VILLAGE- PADEYA, POLICE STATION- BARACHATTI, DISTRICT- GAYA
 2. SHRAWAN CHAUDHARY SON OF AMBIKA CHAUDHARY RESIDENT OF VILLAGE- PADEYA, POLICE STATION- BARACHATTI, DISTRICT- GAYA

... .. Appellant/s

Versus

1. The State of Bihar
2. RAM PRIT CHAUDHARY SON OF BASANT CHAUDHARY RESIDENT OF VILLAGE- PADEYA, POLICE STATION- BARACHATTI, DISTRICT-GAYA

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Subhash Kumar, Advocate
For the Respondent/s	:	Mr. Sadanand Paswan, Spl.PP
For the Respondent No.2:	:	Mr. Brij Mohan Das, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 06-05-2025 Heard Mr. Subhash Kumar, learned counsel for the appellants, Mr. Brij Mohan Das, learned counsel for the Respondent No.2 as well as Mr. Sadanand Paswan, learned Spl.P.P. for the State.

2. This is an appeal under Sections 14(A)(2) against refusal of the prayer for anticipatory bail by order dated 08.11.2023 passed by the learned Court of Exclusive Special Judge, SC/ST Special Court, Gaya passed in A.B.P. No. 372 of 2023 arising out of Barachatty P.S. Case No. 888 of 2023, F.I.R. dated 22.09.2023 registered under Sections 341, 342, 323, 506,



324, 325, 354/34 of the Indian Penal Code and Sections 3(i)(r) (s)/3(2)(v) of the Scheduled Castes and Scheduled Tribes Act.

3. According to the prosecution case, the informant alleged that when he was going to plough his field, then appellants along with other co-accused persons arrived and assaulted the informant by means of iron rod. When his mother and wife came to rescue, they assaulted them also.

4. Learned counsel for the appellants submits that appellants have clean antecedent and they have falsely been implicated in the present case. He further submits that due to admitted land dispute the present occurrence has taken place and both parties are agnates. There is delay in lodging the present First Information Report inasmuch as the occurrence has taken place on 21.07.2023 and the First Information Report has been lodged on 22.09.2023 i.e. after delay of two months without giving any reason of delay and apart from that appellants side have lodged Barachatty P.S. Case No. 718 of 2023 against the informant and their family members. He further submits that the injury report of the injured persons suggest that injury is simple in nature caused by hard and blunt substance.

5. Learned Special Public Prosecutor for the State and



learned counsel for Respondent No.2 have vehemently opposed the prayer for bail of the appellants.

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 and circumstances, appellants have clean antecedent and there is case and counter case between the parties, 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 surities of the like amount each to the satisfaction of learned Court of Exclusive Special Judge, SC/ST Special Court, Gaya passed in A.B.P. No. 372 of 2023 arising out of Barachatty P.S. Case No. 888 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 bond shall be cancelled by the Court below.

ii. If the appellants 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 appellants and in case at any stage it is found that the appellants have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond 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)

Suruchi/-

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

