

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5481 of 2024

Arising Out of PS. Case No.-1166 Year-2023 Thana- ALAMGANJ District- Patna

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1. Ajay Chauhan @ Ajay Kumar Chauhan @ Ajay Kumar Chouhan Son of Baijnath Chauhan village- Gur Ki Mandi, Arfabad Colony, PS- Alamganj District -Patna
 2. Suraj Kumar @ Rohit Raj @ Suraj Chauhan Son of Baijnath Chauhan village- Gur Ki Mandi, Arfabad Colony, PS- Alamganj District -Patna
 3. Prince Kumar @ Prince Raj son of Ajay Chauhan @ Ajay Kumar Chauhan @ Ajay Kumar Chouhan village- Gur Ki Mandi, Arfabad Colony, PS- Alamganj District -Patna

... .. Appellant/s

Versus

1. The State of Bihar
2. Guriya Devi Wife of Ranjit Choudhary village- Gur Ki Mandi, Arfabad Colony, PS- Alamganj District -Patna

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Madhukar Anand
For the State	:	Ms.Usha Kumari 1
For respondent no. 2	:	Mr. Ajit Kumar Singh
		Mr. Rajesh Kumar

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 4 23-12-2025 1. Heard learned Counsel for the appellants, learned Counsel for the respondent no. 2 and learned Special Public Prosecutor for the State.
2. An order, dated 18.11.2024, passed by learned Exclusive Special Judge, SC/ST, Patna, in A.B.P. No. 3945 of 2024, is under challenge in the present appeal preferred under Section 14-A(2) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989, whereby the anticipatory bail application of the appellants in



connection with Alamganj Police Station Case No. 1166 of 2023, dated 21.12.2023, registered for the offences punishable under Sections 147/148/149/341/323/379/448/504/506 of the Indian Penal Code and Section 3 (i) (r) (s) (w) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989, has been rejected.

3. The prosecution case, as per the First Information Report, is that on 21.12.2023, at about 06:30 PM, the appellants, along with others, who are next door neighbours of the informant, came, variously armed at the house of the informant, abused the informant by taking her caste name and also assaulted her and her son, due to which they received injury on their head.
4. Learned Counsel for the appellants submits that the appellants have falsely been implicated in this case due to personal enmity. He further submits that there is general and omnibus allegation against the accused persons. The specific allegation against the appellant no. 1 is that he assaulted the informant on her head by iron rod, but the informant has not sustained any injury, which would be evident from the fact that the prosecution has failed to bring on record the injury report of the informant. He



further submits that the present First Information Report has falsely been lodged in retaliation of Alamganj Police Station Case No. 1164 of 2023, lodged against the family member of the informant by the appellant no. 2 for the killing of his brother.

5. Learned Counsel for the informant and the State oppose the prayer for anticipatory bail and submit that the appellants, along with other accused persons, entered into the house of the informant, abused in the caste name and also assaulted the informant and her family persons and there is specific allegation of assault upon the informant by appellant no. 1.
6. Having regard to the submissions advanced on behalf of the parties and taking into consideration the fact that both the parties are co-villagers and next door neighbours, prior to lodging of the present First Information Report, the appellant no. 2 had lodged a case against the family members of the informant for the killing of his brother, no injury report has been brought on record by the prosecution and abuse in the caste name was not taken place in the full public view, I am inclined to grant the appellants privilege of anticipatory bail.



7. Accordingly, this appeal is allowed and the order, dated 18.11.2024, passed by learned Exclusive Special Judge, SC/ST, Patna, in A.B.P. No. 3945 of 2024, is set aside.
8. Let the appellants, above named, in the event of their arrest/surrender before the learned Court below within a period of four weeks from today, be released on bail, upon furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, SC/ST, Patna, in connection with Alamganj Police Station Case No. 1166 of 2023, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure, 1973.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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