

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2900 of 2023

Arising Out of PS. Case No.-41 Year-2023 Thana- KOTWA District- East Champaran

1. CHUNNU SINGH son of Late Shri Ram Singh Village- Saraiya Po Ps- Kotwa Dist- E. Champaran
2. Sanam Singh son of Aashu Singh Village- Jasouli Patti, Po Ps- Kotwa Dist- E. Champaran
3. Arjun Singh son of Awadhesh Singh Village- Jasouli Patti, Po Ps- Kotwa Dist- E. Champaran
4. Bipul Singh son of Ashok Kumar Singh Village- Jasouli Patti, Po Ps- Kotwa Dist- E. Champaran

... .. Appellant/s

Versus

1. The State of Bihar
2. Lal Mohan Kumar son of Ram Awadhesh Das Village- Jasouli Patti, Po Ps- Kotwa Dist- E. Champaran

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Pravin Kumar, Advocate

For the Respondent/s : Ms. Usha Kumari 1, Special PP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 24-03-2026 1. Heard learned counsel for the appellants, learned
Spl. P.P. for the State, Ms. Usha Kumari 1.

2. This is an appeal under Section 14-A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as the “SC/ST Act”) against the refusal of prayer for anticipatory bail vide order dated 24.05.2023 in A.B.P. No. 977 of 2023 passed by the learned Special Judge S.C./S.T. (POA) Act, East Champaran in connection with Kotwa P.S. Case No. 41 of 2023 registered for the offences punishable under Sections 341, 323, 379, 504, 506 and 34 of the Indian Penal Code as well as Sections 3(i)(r)(w)



and 3(i)(va) of the SC/ST Act.

3. The learned counsel for the appellants submits that notice was received by the brother of the respondent no. 2, as would manifest from the office report dated 27.09.2023 and a jointness application has been filed, since the notice was received by the brother of the respondent no. 2 and a jointness application has been filed, as such, the notice is deemed to be validly served.

4. The learned counsel for the appellants next submits that respondent despite receiving notice chooses not to appear and contest.

5. Learned counsel for the appellants submits that appellants are persons with clean antecedent and the informant alleges that on 2.02.2023 at 04:00 PM he was returning home when he was intercepted by the appellants who abused and assaulted him and snatched Rs. 7,000/- from his pocket.

6. Learned counsel for the appellants submits that appellants have been falsely implicated in the instant case by the informant. It is next submitted that from perusal of the allegation as alleged in the FIR, it would manifest that informant and the appellants were known, but then no specific allegation of abuse and assault is alleged against the appellants.



It is also submitted that the informant does not allege that he was abused by caste name.

7. Learned Spl. P.P. for the State opposes the appeal.

8. In view of the submissions made by the learned counsel for the appellants, the order dated 24.05.2023 in A.B.P. No. 977 of 2023 passed by the learned Special Judge S.C./S.T. (POA) Act, East Champaran in connection with Kotwa P.S. Case No. 41 of 2023, **is hereby set aside** and the appellants above-named, in the event of their arrest or surrender within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 5,000/- (Rupees Five Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Kotwa P.S. Case No. 41 of 2023 subject to the conditions as laid down under Section 482 (2) of the BNSS.

9. Accordingly the appeal stands allowed.

(Satyavrat Verma, J)

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