

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3623 of 2023

Arising Out of PS. Case No.-514 Year-2022 Thana- CHAKIA District- East Champaran

1. Urmila Devi Wife Of Beera Chaurasiya Resident Of Village- Bansghat Tola, Konhiya, Ps- Chakia, Distt- East Champaran
2. Anita Devi Wife Of Umashankar Chaurasiya Resident Of Village- Bansghat Tola, Konhiya, Ps- Chakia, Distt- East Champaran
3. Nagendra Chaurasiya Son Of Late Binda Bagat Resident Of Village- Bansghat Tola, Konhiya, Ps- Chakia, Distt- East Champaran
4. Nawal Kishor Chaurasiya Son Of Late Binda Bagat Resident Of Village- Bansghat Tola, Konhiya, Ps- Chakia, Distt- East Champaran

... .. Appellant/s

Versus

1. The State of Bihar
2. Pankaj Kumar Son Of Late Pahlad Baitha Resident Of Village- Bansghat Tola, Konhiya, Ps- Chakia, Distt- East Champaran

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Abhishek Kumar, Advocate
For the Respondent/s	:	Mr. Sadanand Paswan, Spl. Public Prosecutor
For the R.No. 2	:	Mr. Suraj Kumar Tiwari, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 19-03-2026 Heard learned counsel for the appellants, respondent no. 2 and the State.

2. This appeal has been filed against the order dated 31.05.2023 passed by learned Special Judge, SC/ST (POA) Act, East Champaran, Motihari in ABP No. 1907 of 2023 arising out of Chakia P.S. Case No. 514 of 2022 registered under Sections 447, 323, 324, 308, 504/34 of the Indian Penal Code and Section 3(1)(r)(s) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, whereby the prayer for



anticipatory bail of appellants has been rejected.

3. As per F.I.R., on 29.11.2022 at about 3:30 PM, when informant and his family members were in the house, all the named accused persons, including these appellant came there and on the order of co-accused Beera Chaurasiya, appellant no. 3 pressed the neck of informant and when his *Mausi* came to save him, co-accused Beera Chaurasiya assaulted her by means of *dab*. It is further alleged that the accused persons abused informant by caste name, damaged household articles, tore PDS register and took Rs. 9,000/-

4. Learned counsel for the appellants submits that appellants are innocent and have committed no offence. Though there is allegation of assault but there is no injury report to substantiate the allegations. He further submits that the alleged incident took place inside the house of informant and not within the public view as such, no case under SC/ST Act is made out against the appellants. Rest of the allegations are ornamental only to make the case grave. Appellants claim clean antecedent.

5. Learned Spl. Public Prosecutor for the State as well as learned counsel for the respondent no. 2 vehemently opposed the bail application.

6. Considering the nature of accusation and clean



antecedent, let the appellants, as named above, in the event of their arrest/surrender within a period of eight weeks from today, be enlarged on bail on furnishing bail-bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Special Judge, SC/ST (POA) Act, East Champaran, Motihari in ABP No. 1907 of 2023 arising out of Chakia P.S. Case No. 514 of 2022.

7. Accordingly, this criminal appeal is allowed and impugned order dated 31.05.2023 is set aside with respect to these appellants only.

(Prabhat Kumar Singh, J)

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