

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4034 of 2024

Arising Out of PS. Case No.-126 Year-2024 Thana- BAIRIYA District- West Champaran

1. Vishwanath Chaudhary @ Vishwanath Chaudhari S/o Late Vikram Chaudhary Resident of village- Fatuchhapar, P.S.- Bairiya, District- West Champaran
2. Urmila Devi @ Urmila Chaudhary W/o Sri Vishwanath Chaudhary Resident of village- Fatuchhapar, P.S.- Bairiya, District- West Champaran
3. Gopi Kumar @ Gopi Chaudhary S/o Sri Vishwanath Chaudhary Resident of village- Fatuchhapar, P.S.- Bairiya, District- West Champaran
4. Sunita Devi D/o Sri Vishwanath Chaudhary Resident of village- Fatuchhapar, P.S.- Bairiya, District- West Champaran

... .. Appellant/s

Versus

1. The State of Bihar
2. Sona Devi W/o Sri Omprakash Sah Resident of village- Fatuchhapar, P.S.- Bairiya, District- West Champaran

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Sharad Kumar Verma, Advocate
For the Respondent/s	:	Mr. Sadanand Paswan, Spl.P.P.
For the Informant	:	Mr. Sanjeev Kumar Shrivastava, Advocate

CORAM: HONOURABLE MR. JUSTICE PRAVEEN KUMAR
ORAL ORDER

4 12-02-2026 Heard learned counsel for the appellants, learned counsel for the Respondent No.2 and learned Special Public Prosecutor appearing for the State.

2. This appeal under Section 14A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 has been directed against the order dated 29.07.2024 passed by learned 1st Additional Sessions Judge-cum-Special Judge, SC/ST Act, Bettiah, West Champaran, in



A.B.P. No. 1587 of 2024 arising out of Bairiya P.S. Case No. 126 of 2024 dated 13.04.2024 registered under Sections 147, 341, 323, 379, 380, 447, 448, 354 and 504 of the Indian Penal Code and Section 3(1)(r)(w) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, whereby the prayer for grant of anticipatory bail of the appellants has been rejected.

3. As per the prosecution case, the informant alleged that the appellants and other co-accused persons came at the door of the informant and started abusing by taking caste name. Thereafter, when the informant opened the door, the appellant No.1 (Vishwanath Chaudhary) caught, disrobed and thrashed her on the ground and started assaulting her by means of lathi and danda. It is further alleged that the appellant no.3 (Gopi Kumar) snatched the mobile phones of the informant's son and sister-in-law (gotini).

4. Learned counsel for the appellants submits that the appellants, who are of clean antecedent, are innocent and have not committed any offence. He further submits that it appears from the F.I.R. itself that there is general and omnibus allegation against all the appellants. It is also submitted that as regards the allegation of abuse by caste name is concerned, it does not appear to be in a public place as none of the persons



have been disclosed before whom the alleged abuse was made as the alleged occurrence took place inside the house. The offences relating to under Section 380 and 379 of the IPC appears to be ornamental in nature, no ingredients of Section 354 is made out. Hence, the impugned order may be set aside and the appellants may be granted the privilege of anticipatory bail.

5. Learned Special Public Prosecutor for the State has vehemently opposed the prayer for grant of anticipatory bail to the appellants and submitted that the appellants are actively involved in the present occurrence.

6. Considering the entire facts and circumstances of the case and also the fact that the appellants bear clean antecedent, let the above named appellants, in the event of their arrest/surrender within a period of six weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned 1st Additional Sessions Judge-cum-Special Judge, SC/ST Act, Bettiah, West Champaran, in connection with Bairiya P.S. Case No. 126 of 2024 subject to the conditions laid down under Section 438(2) of the Cr.P.C.

7. Accordingly, this appeal is allowed and the



impugned order dated 29.07.2024 rejecting the prayer for grant
of anticipatory bail to the appellants is set aside.

(Praveen Kumar, J)

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