

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.2584 of 2017

Arising Out of PS.Case No. -103 Year- 2017 Thana -BHARGAWAN District- ARRARIA

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1. Sanjay Bhagat @ Sanjay Kumar Bhagat, Son of Late Raghunandan Bhagat,
 2. Nityanand Bhagat Son of Late Sitaram Bhagat,
 3. Gajendra Kumar Bhagat @ Gajendra Bhagat, Son of Late Raghunandan Bhagat,
 4. Niranjana Kumar @ Matun Bhagat @ Mantun Bhagat, Son of Nityanand Bhagat,
 5. Satendra Bhagat, Son of Nityanand Bhagat, All R/o Village/Mohalla-Kadmaha, P.S.- Bhargama, District- Araria.

.... Appellants

Versus

The State of Bihar

.... Respondent

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Appearance :

For the Appellant/s : Mr. Sudish Kumar

For the Respondent/s : Mr. Sadanand Paswan

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 20-09-2017 Heard learned counsel for the appellants and learned
Special P.P. for the State.

This appeal has been filed for grant of pre-arrest bail in connection with Bhargama P.S.Case No. 103 of 2017 registered for the offences punishable under Sections 147, 148, 149, 341, 323, 307, 379, 504/34 of the Indian Penal Code, 27 of the Arms act and 3(1)(r) of SC/ST Act and for setting aside the order dated 31.7.2017 passed by Additional Sessions Judge-I-cum-Special Judge, SC/ST Act, Araria.

Allegation against the appellants is of abusing the



informant by taking his caste name and there is allegation of firing against one co-accused.

Submission of learned counsel for the appellants is that allegation of abuse is not in public view, rather inside the house and other specific allegation is against one Mukesh Bhagat and not against the appellants causing injury to nephew and son of the informant. Further submission is that there is case and counter case between the parties and no offence is made out against the appellants of abusing the informant by taking his caste name as occurrence took place inside the house and not in public view.

Learned Special P.P. could not controvert the above submission.

Having heard both sides and in view of facts and circumstances, the appeal is allowed and the impugned order is set aside.

Let appellants, above named, surrender within six weeks and on their so surrendering they shall be released on bail on furnishing bail bonds of Rs.25,000/- (Rupees twenty five thousand) each with two sureties of the like amount each to the satisfaction of the Additional Sessions Judge-I-cum-Special Judge, SC/ST Act, Araria, in connection with Bhargama P.S. Case No. 103 of 2017, subject to the conditions as laid down under Section



438(2) of the Code of Criminal Procedure and further the following conditions :-

- (1) One of the bailors shall be a local person having sufficient immoveable properties within the jurisdiction of the court concerned,
- (2) Appellants will co-operate in investigation of the case and will appear before the Investigating Officer as and when required, failing which the prosecution will be at liberty to move for cancellation of their bail bonds.

(Vinod Kumar Sinha, J)

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