

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.3908 of 2018

Arising Out of PS. Case No.-103 Year-2017 Thana- BHARGAMA District- Araria

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1. Harinandan Bhagat, son of Late Sita Ram Bhagat
 2. Anil Bhagat @ Mani Bhushan Raman, son of Harinandan Bhagat
 3. Vijay Bhagat @ Vijay Kumar Bhagat, son of Gajendra Bhagat,
All resident of Village - Kadmaha, P.S. - Bhargama, District-
Araria.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Sudish Kumar

For the Respondent/s : Mr. Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT

Date : 17-12-2018

Heard learned counsel for the parties.

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 12.09.2018 in A.B.P. No. 1358 of 2018 passed by the learned 1st Additional Sessions Judge, Araria in connection with Spl. (SC/ST) Case No. 193 of 2017 arising out of Bhargama P.S. Case No. 103 of 2017 registered under Sections 147, 148, 149, 341, 323, 307, 379, 504 of the Indian Penal Code, Section 27 of the Arms Act as well as Sections 3(i)(r) of the SC/ST Act.

The FIR would reveal that 10 persons including the appellants variously armed, came at the place where the informant was constructing his house and started abuse. Specific allegation is against co-accused Mukesh Bhagat to have fired with his gun causing injury to



different person.

Learned Special Public Prosecutor opposed the prayer for bail.

Considering the fact that allegation of commission of abuse is general and omnibus and no other overt act is alleged against the appellants, let the appellants, above named, in the event of their arrest or surrender before the Court below within a period of thirty days from the date of receipt of the order, be released on anticipatory bail on furnishing bail bonds of Rs.20,000/- (rupees twenty thousand) each with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with the aforesaid case, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure as well as condition that the appellants shall fully cooperate with the investigation/trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the appellants as well as condition that both the bailors shall be resident of the territorial jurisdiction of the learned court below.

Accordingly, the impugned order is set aside and this appeal stands allowed.

(Birendra Kumar, J)

Kundan/Ravi

AFR/NAFR	N.A.
CAV DATE	N.A.
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