

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1393 of 2019**

Arising Out of PS. Case No.-576 Year-2018 Thana- JAGDISHPUR District- Bhagalpur

1. Anil Bhagat Son of Badri Bhagat Resident of Village - Dhourri, P.S.- Jagdishpur, Distt - Bhagalpur.
2. Goutam Bhagat Son of Anil Bhagat Resident of Village - Dhourri, P.S.- Jagdishpur, Distt - Bhagalpur.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Prahalad Kumar Bhagat
For the Respondent/s : Mr. Usha Kumari 1

**CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL**

ORAL JUDGMENT

Date : 21-05-2019

Heard learned counsel for the appellants and
learned Spl. PP for the State.

This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act against the refusal of prayer for bail vide order dated 27.02.2019 passed by learned Addl. Session Judge-III-cum-Special Judge, Bhagalpur in Jagdishpur P.S. Case No. 576 of 2018 registered under Sections 147, 149, 341, 323, 324, 307, 504 and 506 the Indian Penal Code and Sections 3(1)(S), 3(2)(V) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.



Over land dispute, appellants and seven other named accused persons are said to have assaulted the informant, his wife, son and daughter by means of lathi and khanti.

It is submitted by learned counsel for the appellants that the appellants have no concern with the aforesaid occurrence. They have been falsely implicated in this case by the informant. The informant has lodged this false and frivolous case to save his skin from Jagdishpur P.S. Case No. 335 of 2018 lodged by the appellant Anil Bhagat against him preceding to the alleged occurrence. Allegation levelled against the appellants is not specific rather general and omnibus in nature. There is land dispute between the parties and the title suit regarding the property in question is pending. Though, the victim had sustained injury on 28.12.2018, but till date no supplementary injury report indicating the opinion regarding nature of injury has been brought on record by the prosecution. Appellants have no criminal antecedent and have been languishing in custody since 29.12.2018.

Learned Spl. PP for the State opposed the prayer for bail.

In the facts and circumstances of the case, the above named appellants are directed to be enlarged 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 the learned Addl. Session Judge-III-cum-Special Judge, Bhagalpur in Jagdishpur P.S. Case No. 576 of 2018.

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

(Prakash Chandra Jaiswal, J)

rohit/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	22-05-2019
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