

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2321 of 2019**

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

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MITHALESH BHAGAT @ MITHALESH KUMAR BHAGAT Son of Anil
Bhagat Resident of Village - Dhouri, P.S.- Jagdishpur, Dist.- Bhagalpur.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Prahalad Kumar Bhagat
For the Respondent/s : Mr.Binay Krishna

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

ORAL ORDER

4 23-08-2019 Heard learned counsel for the appellant and learned
Spl. PP for the State.

This is an appeal under Section 14(A)(2) of the SC/ST
Act against the refusal of prayer for anticipatory bail vide order
dated 11.04.2019 passed by learned ^{3rd} Addl. Sessions Judge
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 of the Indian Penal Code and Section 3(1)(s) of the
SC/ST Act.

Over land dispute, appellant along with eight other
named accused persons are said to have assaulted the informant,
his wife, son and daughter by means of lathi and khanti making
them injured.



It is submitted by learned counsel for the appellant that the appellant has no concern with the aforesaid occurrence. Informant has lodged this false and frivolous case against the appellant and others in order to save skin from Jagdishpur P.S. Case No. 335 of 2018 lodged by co-accused Anil Bhagat against the informant and others preceding to the case under hand. The allegation levelled against the appellant is not specific rather general and omnibus in nature. There is land dispute between the parties. Title Suit N0. 118 of 2017 regarding the property in question is pending between the parties. Though the victims have sustained injury on 28.12.2018 but no supplementary injury report indicating the opinion regarding nature of injury has been brought on record by the prosecution till passing of the bail order dated 21.05.2019 by this Court as evident from the said order. Appellant has no criminal antecedent. Hence he may be enlarged on bail.

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

Having regard to the facts and circumstances of the case, let the above named appellant, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond



of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned A.D.J.-III cum Special Judge, Bhagalpur in connection with Jagdishpur P.S. Case No. 576 of 2018, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

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

(Prakash Chandra Jaiswal, J)

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