

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2753 of 2019**

Arising Out of PS. Case No.-6 Year-2019 Thana- KAHALGAON District- Bhagalpur

Bhagla Bhagat @ Raj Kumar Bhagat Son of Sunil Bhagat Resident of Village
- Amapur, P.S.- Ghogha, Dist.- Bhagalpur.

... .. Appellant/s

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Manoj Kumar Jha
For the Respondent/s : Mrs. Usha Kumari 1

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

ORAL ORDER

2 11-07-2019 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter in short referred to as the 'SC/ST Act') against the refusal of prayer of anticipatory bail vide order dated 22.05.2019 passed by learned 3rd Additional Sessions Judge cum Special Judge, Bhagalpur in connection with Kahalgaon (Ghogha) P.S. Case No. 06 of 2019 registered under Sections 341, 323, 504, 337 & 338/34 of the Indian Penal Code and Section 3(1) (r) (s) 3 (2) (va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Appellant along with his father are said to have



intruded into the house of the informant and slated his son in the name of his caste and assaulted him by means of brick bat.

It is submitted by learned counsel for the appellant that no such occurrence as alleged ever took place. Appellant has been falsely implicated in the case as the son of the appellant had gone for the labour work along with son of the informant and died due to accident and when the appellant approached the son of the informant to know about the cause of death, the informant has lodged this false and frivolous case against the appellant due to ulterior motive. No one has sustained injury in the occurrence. The allegation of slating the son of the informant in the name of his caste has taken place in the house of the informant and not in public view. Hence, no offence under SC/ST Act is made out against the appellant. Appellant has no criminal antecedent.

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

In the facts and circumstances of the case, the above named appellant, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like



amount each to the satisfaction of the learned 3rd Additional Sessions Judge cum Special Judge, Bhagalpur in connection with Kahalgaon (Ghogha) P.S. Case No. 06 of 2019, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

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

(Prakash Chandra Jaiswal, J)

Trivedi/-

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