

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2896 of 2019**

Arising Out of PS. Case No.-139 Year-2016 Thana- RIVILGANJ District- Saran

RAVI KANT BHAGAT @ MANNU, S/o Late Kali Prasad R/o Village-
Majhanpura, P.S.- Manjhi, District- Saran

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Vijay Kumar
For the Respondent/s : Mr.Sadanand Paswan

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

ORAL ORDER

2 22-07-2019 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 31.05.2019 passed by learned 1st Addl. Sessions Judge cum Special Judge, SC/ST Act, Saran at Chapra in Revilganj P.S. Case No. 139 of 2016 registered under Sections 341, 323, 420, 406, 467, 468, 380 and 120(B) of the Indian Penal Code and Section 3(i)(x) of the SC/ST Act.

Co-accused Shashikant Bhagat is said to have entered into an agreement with the informant to sell out 12 katha of land in her favour in Rs. 11,20,000/-. Informant accorded some of the aforesaid amount to said Shashikant Bhagat in cash and some by



depositing in his account, but he executed only 9 katha of land in her favour and on insistence of execution of rest of the land, all the accused persons including the appellant descending at the house of the informant slated her in the name of her caste and assaulted her and her family members.

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 due to land dispute. Neither there is any agreement between the appellant and the informant to sell out the aforesaid land nor appellant has taken any money from the informant. Informant has not sustained any injury in the occurrence. The allegation levelled against the appellant is not specific rather general and omnibus in nature. Slating the informant in the name of her caste is said to have been made at her house, hence no offence under SC/ST Act is made out against the appellant. Appellant has no criminal antecedent. Similarly situated co-accused namely Om Prakash Bhagat has been enlarged on anticipatory bail by a co-ordinate Bench of this Court vide order dated 23.05.2019 passed in Cr. Appeal (SJ) No. 1955 of 2019.

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 1st Addl. Sessions Judge, Saran at Chapra in connection with Revilganj P.S. Case No. 139 of 2016 arising out of Saran Complaint Case No. 1383 of 2016, 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)

mantreshwar/-

U		T	
---	--	---	--

