

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3568 of 2019

Arising Out of PS. Case No.-97 Year-2019 Thana- PATEPUR District- Vaishali

Oam Prakash Kumar Son of Chandeshwar Bhagat Resident of Village -
Shahpur Bujurg, P.S.- Patepur, Dist.- Vaishali.

... .. Appellant/s

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Lalit Narayan Jha, Advocate
For the Respondent/s	:	Mr. Sadanand Paswan A.P.P.
For the Informant	:	Mr. Nachiketa Jha, Advocate.

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

ORAL ORDER

4 01-10-2019 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 referred to as the “SC/ST Act”) against the refusal of prayer for anticipatory bail vide order dated 20.07.2019 passed by learned Additional Sessions Judge, 1st cum Special Judge, Hajipur at Vaishali, in connection with Patepur P.S. Case No. 97 of 2019, registered under Sections 341, 323, 379, 504, 506/34 of the Indian Penal Code and also under Section 3 (i) (r) (s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Accused Chandeshwar Bhagat blocked the flow of the



water by putting the building material on the road located in front of the house of the informant. On protest made by the informant he assaulted him by means of spade and snatched golden chain asking the appellant to bring the revolver and farsa whereupon appellant gave the revolver to the accused Chandeshwar Bhagat. In the meantime the villager descended there and intervened in matter, said Chandeshwar Bhagat slating the informant in the name of his caste and extended threatening of dire consequences to him. He also demanded extortion of rupees two lacs from the informant.

It is submitted by the learned counsel for the appellant that the appellant has no concern with the aforesaid occurrence. As a matter of fact, informant happens to be Mukhiya and has taken Rs.20,000/- from the mother of the appellant for sending his name for Indra Avas scheme but his name did not find place in the list, on claiming back her money by his mother he assaulted the mother of the appellant resultantly his mother filed complaint petition against the informant and others. There is no allegation either of slating or assaulting the informant against the appellant. He has no criminal antecedent.

Learned Spl. P.P. for the State and learned counsel for



the informant opposed the prayer for bail.

In the facts and circumstances of the case, the above named appellant is directed to be enlarged on bail in the event of his arrest or surrender before the learned Court below within a period of four weeks from today 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 1st Additional Sessions Judge cum Special Judge SC/ST (POA) Act, Hajipur, Vaishali in connection with Patepur P.S. Case No.97 of 2019, subject to 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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