

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3578 of 2019

Arising Out of PS. Case No.-50 Year-2017 Thana- SAHARSA COMPLAINT CASE District-
Saharsa

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1. SANAJY BHAGAT Son of Raja Chand Bhagat Resident of Village - Kochardewa, P.S.- Salakhua, District- Saharsa
 2. Dharmendra Kumar Bhagat @ Dharmendra Bhagat Son of Chandra Kumar Bhagat Resident of Village - Kochardewa, P.S.- Salakhua, District- Saharsa
 3. Mithilesh Bhagat Son of Meghraj Bhagat Resident of Village - Kochardewa, P.S.- Salakhua, District- Saharsa
 4. Chand Kumar Bhagat @ Chanda Kumar Bhagat Son of Hakim Chanda Bhagat Resident of Village - Kochardewa, P.S.- Salakhua, District- Saharsa
 5. Dharmbir Bhagat Son of Chandra Kumar Bhagat Resident of Village - Kochardewa, P.S.- Salakhua, District- Saharsa

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. Sita Devi Wife of Bijoo Paswan Resident of Village - Kochardewa, P.S.- Salakhua, District- Saharsa

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Pramod Kumar Verma
For the Respondent/s : Mr.Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

4 01-10-2019 Heard learned counsel for the appellants and learned
Spl. PP for the State.

This is an appeal under Section 14(A)(2) of the SC/ST Act against the refusal of prayer for anticipatory bail vide order dated 06.12.2018 passed by learned 1st Addl. Sessions Judge cum Special Judge, Saharsa in Complaint Case No. 50 of 2017 registered under Sections 147, 323 and 379 of the Indian Penal Code and Section 3(s) of the SC/ST Act.



On not loading the bundle of maize crop on the tractor of the appellant no.1 by the husband of the complainant, all the appellants descending at the house of the complainant slated her in the name of her caste. They tried to intrude into the house of the complainant and on protest appellant Dharmbir Bhagat shoved her on the ground holding her hair. Thereafter seven named accused persons including the appellants assaulted the complainant by means of fist and slap and co-accused Arvind Bhagat looted away the box containing cash, jewellery and attire of the complainant.

It is submitted by learned counsel for the appellants that the appellants haven no concern with the aforesaid occurrence. As a matter of fact, appellant Dharmbir Bhagat has lodged Salkhaua P.S. Case No. 153 of 2017 against the husband of the complainant and others for committing theft in his shop and in order to save skin from the said case complainant has lodged this case against the appellants and others with altogether wrong and concocted allegation. The allegation levelled against the appellants is not specific rather general and omnibus in nature. Slating the complainant in the name of her caste is said to have been made at the house of the complainant and not in public view, hence no offence under



SC/ST Act is made out against the appellants. There is inordinate and abnormal delay of 4 days in filing the complaint petition without assigning any plausible and convincing explanation for the said delay. Appellants have no criminal antecedent.

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 appellants, be released on bail, in the event of their 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) each with two sureties of the like amount each to the satisfaction of the learned 1st Addl. Sessions Judge cum Special Judge, SC/ST Act, Saharsa in connection with Complaint Case No. 50 of 2017, 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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