

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5043 of 2019

Arising Out of PS. Case No.-110 Year-2019 Thana- TARIYANI CHOWK District- Sheohar

1. Hirdy Bhagat,
2. Lal Saheb Bhagat @ Lal Sahe Bhagat
Both sons of Laxhmi Bhagat R/o village- Aoha @ Aura, P.S.- Tariyani,
Distt.- Sheohar

... .. Appellants

Versus

The State of Bihar

... .. Respondent

Appearance :

For the Appellant/s : Mr.Dhannjay Kumar No 2
For the Respondent/s : Mr.Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 16-12-2019 Heard learned counsel for the appellants and learned
Addl. Public Prosecutor for the State.

The present appeal has filed for grant of anticipatory bail, apprehending their arrest in connection with Tariyani P.S. Case No.110 of 2019, arising out of Tr.No.113 of 2019 registered for the offence under Sections 307, 323, 324, 341, 447, 474, 504, 506/34 of the Indian Penal Code and Sections 3(i)(r)/3(i)(s) of the Scheduled Castes/Scheduled Tribes (Prevention of Atrocities) Act.

As per the allegation made in the F.I.R.,it is stated that on objection made by the informant for taking electric connection, a dispute had taken place and accused Raju Ram



along with other accused persons including the appellants abused and assaulted the informant and his brother Chandra Mohan Ram. It is further stated that Raju Ram assaulted with axe on the head of the informant's brother, causing injury and, thereafter, the injured was taken to Tariyani hospital for treatment from where he was referred to S.K.M.C.H, Muzaffarpur and, thereafter, he was referred to P.M.C.H. Patna.

It is submitted by learned counsel for the appellants that from the F.I.R. it is evident that there is specific allegation against accused Raju Ram, who gave an axe blow on the head of the informant's brother and there is no specific allegation against the appellants. It is submitted that no offence under SC/ST Act is made out against the appellants.

Having heard learned counsel for the parties and taking into consideration the nature of allegation and the fact that there is no specific allegation of overt act against the appellants, the appellants, above named, in the event of their arrest or surrender before the court below within a period of six weeks from today, are directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/-(ten thousand) each with two sureties of the like amount each to the satisfaction of learned 1st Addl. Sessions Judge-cum-Special Judge, SC/ST Act,



Sheohar in connection with Tariyani P.S. Case No.110 of 2019,
arising out of Tr. No.113 of 2019, subject to conditions as laid
down under section 438(2) of the Code of Criminal Procedure.

The Appeal stands allowed.

(Partha Sarthy, J.)

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