

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5291 of 2019

Arising Out of PS. Case No.-391 Year-2019 Thana- MADHAURAH District- Saran

1. Ajit Bhagat Son of Lakshman Bhakt Resident of Mirzapur, P.S.- Marhowrah, District - Saran at Chapra.
2. Manoj Bhagat Son of Deo Nath Bhagat Resident of Mirzapur, P.S. Marhowrah, District - Saran at Chapra.
3. Rajesh Kumar Bhagat @ Rajesh Bhagat Son of Deo Nath Bhagat Resident of Mirzapur, P.S. Marhowrah, District - Saran at Chapra.
4. Nirbhay Bhagat Son of Deo Nath Bhagat Resident of Mirzapur, P.S. Marhowrah, District - Saran at Chapra.
5. Bipin Bhagat @ Bipin Kumar Son of Deo Nath Bhagat Resident of Mirzapur, P.S. Marhowrah, District - Saran at Chapra.

... .. Appellant/s

Versus

The State Of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Tej Pratap Singh, Advocate
For the Respondent/s : Mr. Sadanand Paswan, A.P.P.

CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

2 05-12-2019 Heard learned counsel for the appellants and learned counsel for the State. Learned counsel for the complainant is also present.

This is an appeal under Section 14(A)(2) of the SC/ST Act against the order dated 20.09.2019 passed by the learned Ist Additional District & Sessions Judge cum Special Judge, SC/ST Act, Saran, in A.B.P. No. 2186 of 2019, arising out of Marhowrah (Madhaura) P.S. Case No. 391 of 2019, registered under Sections 341, 323, 385, 506, 504/34 of the Indian Penal



Code and Section 3(i)(x), 3(2)(va) of Schedule Caste/ Schedule Tribe (Prevention of Atrocities) Act 1989, whereby the prayer of anticipatory bail preferred by the appellants has been rejected.

The appellants are apprehending their arrest in connection with Marhowrah (Madhaura) P.S. Case No. 391 of 2019.

Learned counsel for the appellants submits that the entire case is false and fabricated and the provisions of SC/ST Act have been invoked only to make the charge grievous. Admittedly, the entire occurrence has taken place at the house of the informant and not at a public place. Learned counsel for the appellant further submits that the allegations are general and omnibus in nature and no case under Section 385 is made out as has been alleged.

Having considered the aforementioned facts and circumstances of the case and the fact that the appellants have no criminal antecedent, let the appellants 1 to 5, above named, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) each, with two sureties of the like amount each to the satisfaction of the learned 1st Additional District & Sessions



Judge cum Special Judge, SC/ST Act, Saran in connection with Marhowra (Madaura) P.S. Case No. 391 of 2019, subject to the condition laid down under Section 438(2) of the Code of Criminal Procedure.

With the aforesaid, the present appeal stands allowed and consigned to records.

(Anjana Mishra, J)

uma/-

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

