

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.159 of 2020

Arising Out of PS. Case No.-28 Year-2019 Thana- SRINAGAR District- West Champaran

1. VIJAY PRATAP BHAGAT Son of Shree Kishun Bhagat Resident of Village- Baghambarpur, Tola Bin Toliya, P.S.- Shrinagar Pujahan, District- West Champaran.
2. Umesh Bhagat Son of Late Paran Bhagat Resident of Village- Baghambarpur, Tola Bin Toliya, P.S.- Shrinagar Pujahan, District- West Champaran.
3. Harendra Bhagat Son of Late Paran Bhagat Resident of Village- Baghambarpur, Tola Bin Toliya, P.S.- Shrinagar Pujahan, District- West Champaran.
4. Raju Bhagat Son of Late Paran Bhagat Resident of Village- Baghambarpur, Tola Bin Toliya, P.S.- Shrinagar Pujahan, District- West Champaran.
5. Rajan Bhagat Son of Umesh Bhagat Resident of Village- Baghambarpur, Tola Bin Toliya, P.S.- Shrinagar Pujahan, District- West Champaran.
6. Chandan Bhagat Son of Umesh Bhagat Resident of Village- Baghambarpur, Tola Bin Toliya, P.S.- Shrinagar Pujahan, District- West Champaran.
7. Pappu Bhagat Son of Shree Rajendra Bhagat Resident of Village- Baghambarpur, Tola Bin Toliya, P.S.- Shrinagar Pujahan, District- West Champaran.
8. Shreemati Devi @ Shivmati Devi Wife of Shree Umesh Bhagat Resident of Village- Baghambarpur, Tola Bin Toliya, P.S.- Shrinagar Pujahan, District- West Champaran.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Sachida Nand Rai
For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 17-12-2020 Due to COVID-19 Pandemic, the matter is being
taken up by way of virtual Court proceeding.

The matter has been listed under the heading ‘For
Orders’ under the orders of Hon’ble the Chief Justice.



Counsel for the appellants seeks permission to withdraw the present appeal on behalf of appellant No.4 as he has been taken into judicial custody and his appeal has become infructuous.

Permission is accorded.

The appeal on behalf of appellant No.4 is dismissed as withdrawn.

Heard learned counsel for the appellants No.1 to 3 and 5 to 8 and learned APP for the State.

The matter relates to grant of anticipatory bail to the appellants No.1 to 3 and 5 to 8 in connection with a case registered for the offences under Sections 147, 149, 341, 323, 324, 325, 379, 354, 427, 504, 506/34 of the Indian Penal Code and Sections 3(i)(g)(w)(r) of the SC/ST (Prevention of Atrocities) Act, 1989 and Sections 3/4 of Prevention of Witch Practices Act.

The prosecution case, in short is that the accused persons including the appellants abused the wife of the informant saying her Dayan and taking caste name and they assaulted the informant and his family members by means of farsa, iron rod, due to which they received injuries.

It has been submitted on behalf of the appellants that



the appellants No.1, 5 to 8 have got no criminal antecedent and there is no allegation of tampering of witnesses alleged against the appellants. The appellants have falsely been implicated in the present case. Superficial injury is said to have been caused in course of occurrence. It is a case and counter case between the parties. The injuries on the side of the accused persons have not been explained by the prosecution. The prosecution has not come with clean hands. The alleged occurrence has not taken place within public view. Hence no offence under the SC/ST Act is attracted in the present case.

On behalf of the State, it is submitted that the appellants No.1 to 3 and 5 to 8 are named in the F.I.R.

In view of the aforesaid facts and circumstances, the order dated 26.11.2019, with regard to the appellants (except appellant No.4), passed by the learned 1st Additional District and Sessions Judge-cum-Special Judge, (SC/ST/POCSO), Bettiah, West Champaran in connection with Shrinagar Fujahan P.S. case No.28 of 2019, is set aside. The criminal appeal is allowed.

Accordingly, the appellants No.1 to 3 and 5 to 8, above named, in the event of arrest/surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on furnishing bail bonds of



Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned 1st Additional District and Sessions Judge-cum-Special Judge, (SC/ST/POCSO), Bettiah, West Champaran in connection with Shrinagar Fujahan P.S. case No.28 of 2019.

(Sudhir Singh, J)

Narendra/-

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