

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.307 of 2020

Arising Out of PS. Case No.-51 Year-2017 Thana- SC/ST District- East Champaran

1. Shashibhushan Bhagat, aged about 42 years, Male, Son of Late Kapildeo Bhagat, Resident of Village - Madhubani Kala, P.S.- Chiraiya, District- East Champaran.
2. Mahendra Bhagat @ Mahindra Bhagat, aged about 58 years, Son of Late Triveni Bhagat, Resident of Village - Madhubani Kala, P.S.- Chiraiya, District- East Champaran.

... .. Appellants

Versus

The State of Bihar

... .. Respondent

Appearance :

For the Appellants	:	Mr.Karandeep Kumar, Advocate.
For the Respondent	:	Mr. Binay Krishna, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

5 05-12-2020 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.

Heard learned counsel for the parties.

The matter relates to grant of anticipatory bail to the appellants in connection with Tr. No. 342 of 2019, arising out of Motihari SC/ST P.S. Case No. 51 of 2017, registered for the offences under Sections 341, 323, 504/45 of I.P.C. and 3(i)(r) (s) of the SC/ST Act.

The prosecution case, in short, is that the informant has done labouring in the field of one Chandrashekhar Bhagat



for 10 days for which Rs. 3,000/- was charged as wages. Out of which, Rs. 1,000/- has been paid. It has been assured to make payment for remaining of Rs. 2,000/- after 20 days from the Holi Festival. When on the aforesaid date, he demanded for the said amount, Bhairav Bhagat started abusing by naming caste name. On protest, all named accused came and Chandrashekhar Bhagat assaulted him by fists and other accused persons also assaulted. In the meantime, villagers came and saved him.

It has been submitted on behalf of the appellants that the appellants have got no criminal antecedent. The appellants have falsely been implicated in the present case. There is no allegation of tampering with the witnesses alleged against them. There is no grievous injury caused to the victim in course of occurrence. The victim has been assaulted by fists and slaps. The alleged occurrence has not taken place within public view. Hence, no offence under SC/ST Act is made out.

On behalf of the State, it is submitted that the appellants are named in the F.I.R.

In view of the aforesaid facts and circumstances, the order dated 23.12.2019, passed by learned Ist Additional Sessions Judge-cum-Special Judge, SC/ST Act, East Champaran at Motihari, in A.B.P. No. 3756 of 2019 in connection with Tr.



No. 342 of 2019, arising out of Motihari SC/ST P.S. Case No. 51 of 2017, is set aside. The criminal appeal is allowed.

Accordingly, the appellants, above named, in the event of arrest or 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/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned Ist Additional Sessions Judge-cum-Special Judge, SC/ST Act, East Champaran at Motihari, in connection with Tr. No. 342 of 2019, arising out of Motihari SC/ST P.S. Case No. 51 of 2017.

(Sudhir Singh, J)

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