

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1657 of 2020

Arising Out of PS. Case No.-14 Year-2018 Thana- HATHUA District- Gopalganj

GOVINDA BHAGAT, Son of Lal Babu Bhagat, R/o Village- Bangra, P.S.-
Hathua, District- Gopalganj.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Dhramveer, Advocate

For the Respondent/s : Mr. Binay Krishna, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 26-11-2020 Heard learned counsel for the parties through video conferencing.

The present appeal is directed against the order dated 05.03.2020, passed by learned Additional Sessions Judge-I, Gopalganj in a case registered for the offence punishable under Sections 341, 323, 354, 447, 504 and 379/34 of the Indian Penal Code and Section 3(i) (r) of the SC/ST (Prevention of Atrocities) Act, whereby anticipatory bail of the appellant has been rejected.

The allegation against the appellant is that on 18.01.2018 at 3:30 hours the informant along with her son was irrigating the land, then, co-appellants, Shashi Kushwaha and Dilip Kushwaha, stopped the machine by abusing her and



started assaulting her. In the meantime, other co-appellants, including this appellant, also assaulted by lathi and made her naked. In the assault, informant's son has also received injury.

Learned counsel for the appellant submits that the appellant has falsely been implicated in this case due to land dispute and there is general and omnibus allegation against the appellant. From perusal of the F.I.R., it is clear that no offence under the SC/ST Act is made out against the appellant as nowhere it is alleged that these appellants abused her by calling her caste name. It is stated in paragraph no.3 of memo of the appeal that appellant has got clean antecedent.

Learned counsel for the State on the other hand opposes the prayer for bail.

Having regard to the submissions made by the parties and taking into consideration the materials available on record, this appeal is allowed and the impugned order dated 05.03.2020 is set aside.

Accordingly, in the event of arrest or surrender by the appellant, above named, before the Court below within six weeks from today, he shall be released on anticipatory bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned



Additional Sessions Judge-I, Gopalganj in Hathua Police Station
Case No. 14 of 2018.

(Prabhat Kumar Singh, J)

Ankit/-

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

