

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5659 of 2019**

Arising Out of PS. Case No.-135 Year-2019 Thana- MAHESI District- East Champaran

Bhola Bhagat, Son of Mahavir Bhagat, Resident of Village - Devajeet
Parsauni, P.S.- Mehsi, District- East Champaran

... .. Appellant/s

Versus

1. The State of Bihar
2. Chaturanand Ram, Son of Late Jantri Ram, Resident of Village - Garahiya,
P.S.- Madhuban, District- East Chamapran

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Madhurendra Kumar
For the Respondent/s : Mr.Sadanand Paswan

**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

2 08-01-2020 Heard learned counsel for the appellant and the
learned Additional Public Prosecutor for the State.

This appeal, under Section 14(A)(2) of the Scheduled
Castes and Scheduled Tribes (Prevention of Atrocities) Act,
1989, is directed against the order dated 17.09.2019 passed in
A.B.P. No. 2353 of 2019, whereby and whereunder the learned
Ist Additional Sessions Judge-cum-Special Judge (SC/ST), Act,
East Champaran at Motihari, rejected the prayer for pre-arrest
bail of the appellant in connection with Mehsi P.S. Case No. 135
of 2019 registered under Sections 341, 323, 354(A) and 504/34
of the Indian Penal Code and Sections 3(i)(r)(s) of the
Scheduled Castes and Scheduled Tribes (Prevention of



Atrocities) Act.

The persecution case, in brief, is that informant, Chaturanand Ram, along with his wife, son and brother-in-law were returning, boarding on two motorcycles, from the matrimonial house of his sister from village Dewajit Parsoni but in the way, Chotan Dubey and Bhola Bhagat (appellant) overtaken their motorcycles and started to abuse denoting his caste saying that why they were moving on motorcycle in fast speed as dust were spreading. When the informant made protest then both started to cause assault and caught hold his collar. In the meantime, three persons also came there on another motorcycle and started to cause assault through lathi and fatta to him and his family members. On raising alarm, villagers came there then all succeeded to flee away from there.

Learned counsel for the appellant submits that due to inimical terms with the brother-in-law of the informant, informant lodged the present case with false allegation on the instigation of his brother-in-law.

Having considered the facts and circumstances of the case and the nature of allegation against the appellant, I am not inclined to grant anticipatory bail to the appellant. Accordingly, his prayer for grant of anticipatory bail stands



rejected and this Criminal Appeal is dismissed.

(Rajendra Kumar Mishra, J)

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