

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.1371 of 2021**

Arising Out of PS. Case No.-236 Year-2020 Thana- OBRA District- Aurangabad

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1. BIRJU BHAGAT SON OF BASUDEO BHAGAT RESIDENT OF VILLAGE- OBRA ,P.S. OBRA DISTRICT AURANGABAD
  2. BABLU BHAGAT @ BABLU MALI SON OF BASUDEV BHAGAT RESIDENT OF VILLAGE- OBRA ,P.S. OBRA DISTRICT AURANGABAD
  3. PREM BHAGAT SON OF BASUDEO BHAGAT RESIDENT OF VILLAGE- OBRA ,P.S. OBRA DISTRICT AURANGABAD
  4. BASUDEO BHAGAT SON OF LATE NANDKESHWAR BHAGAT RESIDENT OF VILLAGE- OBRA ,P.S. OBRA DISTRICT AURANGABAD
  5. SHARAVAN BHAGAT SON OF DASHRATH BHAGAT RESIDENT OF VILLAGE- OBRA ,P.S. OBRA DISTRICT AURANGABAD
  6. MITHU BHAGAT SON OF DASHRATH BHAGAT RESIDENT OF VILLAGE- OBRA ,P.S. OBRA DISTRICT AURANGABAD
  7. ARUN BHAGAT SON OF LATE RAM DAYAL BHAGAT VILLAGE OBRA P.S. OBRA DISTRICT AURANGABAD

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

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**Appearance :**

For the Appellant/s : Mr.Rakesh Singh

For the Respondent/s : Mr.A.G.

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**CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH**

ORAL ORDER

2      16-07-2021                      Heard learned counsel for the appellants and the  
  
State through virtual mode.

Learned counsel for the appellants is directed to  
  
remove the defect(s), as pointed out by the office, within a  
  
period of four weeks after restoration of normalcy.

The matter relates to grant of anticipatory bail to the



appellants in connection with Obra P.S. Case No. 236 of 2020 registered for the offences under Sections 308, 341, 323, 324, 504, 147,, 149 of the Indian Penal Code and Sections 3(i)(r)(s) & 3(2)(v) of the SC/ST (POA) Act.

Allegedly, the informant came to Sunil Kumar's house situated at Imambara road, Obra, District Aurangabad. It is alleged that at about 12.00 hours, the appellants armed with weapons surrounded the informant with intention to kill. The informant was attacked with sword as a result of which, he sustained injury.

It has been submitted on behalf of the appellants that the appellants have got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the appellants. The appellants have falsely been implicated in the present case. There is case and counter case between the parties. Free fight is alleged to have taken place between the parties. The injury on the side of the accused has not been explained by the prosecution. The prosecution has not come with clean hands.

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

In view of the aforesaid facts and circumstances, the order



dated 06-10-2020 passed by learned Ist Additional Sessions Judge-cum-Special Judge, SC/ST Act, Aurangabad in Obra P.S. Case No. 236 of 2020 is set aside. The present Criminal Appeal is *allowed*.

Considering the aforesaid facts and circumstances of the case and also the lockdown, let the appellants, 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 their personal bond to the satisfaction of learned Ist Additional Sessions Judge-cum-Special Judge, SC/ST Act, Aurangabad in connection with Obra P.S. Case No. 236 of 2020.

Once the normalcy is restored, the appellants shall furnish bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each within a period of eight weeks to the satisfaction of the court concerned in connection with the aforesaid case.

**(Sudhir Singh, J)**

A.K.V.//-

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