

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.981 of 2020

Arising Out of PS. Case No.-7 Year-2018 Thana- MUZFFARPUR COMPLAINT CASE
District- Muzaffarpur

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1. SURESH PRASAD @ SURENDRA BHAGAT Son of Late Hitlal Bhagat Resident of Village - Harpur, P.S.- Hathauri, District - Muzaffarpur.
 2. Vijay Kumar Bhagat @ Vijay Bhagat Son of Late Nandlal Bhagat Resident of Village - Harpur, P.S.- Hathauri, District - Muzaffarpur.
 3. Rakesh Kumar @ Rakesh Bhagat Son of Surendra Bhagat Resident of Village - Harpur, P.S.- Hathauri, District - Muzaffarpur.
 4. Rajesh Kumar @ Rajesh Bhagat Son of Surendra Bhagat Resident of Village - Harpur, P.S.- Hathauri, District - Muzaffarpur.
 5. Awadhesh Kumar Bhagat @ Awadhesh Bhagat Son of Vijay Bhagat Resident of Village - Harpur, P.S.- Hathauri, District - Muzaffarpur.
 6. Sandhir Kumar @ Sandeep Kumar @ Sandeep Bhagat Son of Vijay Bhagat Resident of Village - Harpur, P.S.- Hathauri, District - Muzaffarpur.

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Appellants	:	Mr. Arun Kumar, Advocate
For the State	:	Mrs. Usha Kumari 1, APP
For the complainant	:	Mr. Pradeep Kumar Sinha, Advocate

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 12-02-2021 Learned counsel for the appellants is directed to remove the defect(s), as pointed out by the office, within a period of four weeks.

Heard learned counsel for the appellants, learned APP for the State and learned counsel for the complainant.

The matter relates to grant of anticipatory bail to the appellants in connection with a case registered for the offences under Sections 323, 504,354 of the Indian Penal Code and



Sections 3(i)(x) of the SC/ST (Prevention of Atrocities) Act, 1989.

The prosecution case, in short is that the appellants abused the complainant by taking her caste name and assaulted her and torn her clothes and the appellants also assaulted the husband and son of the informant and abused them by taking their caste name.

It has been submitted on behalf of the appellants that the appellants 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. General and omnibus allegation has been made. No specific overt act is alleged against the appellants. The present case has been instituted on the basis of a complaint case. The alleged occurrence is said to have taken place on 27.12.2017 and the complaint case was filed on 03.01.2018. Delay has not been explained by the prosecution. 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 and learned counsel for the complainant, it is submitted that the appellants are named in the complaint case.



In view of the aforesaid facts and circumstances, the order dated 08.04.2019, passed by the learned 11th Additional Sessions Judge-cum-Special Judge, SC/ST Act, Muzaffarpur vide A.B.P. No.909 of 2019 in connection with Complaint case No.7 of 2018, is set aside. The criminal appeal is allowed.

Accordingly, the appellants, above named, in the event of arrest/surrender before the learned court below within a period of six 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 11th Additional Sessions Judge-cum-Special Judge, SC/ST Act, Muzaffarpur in connection with Complaint case No.7 of 2018.

(Sudhir Singh, J)

Narendra/-

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