

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.367 of 2021

Arising Out of PS. Case No.-118 Year-2020 Thana- NAANPUR District- Sitamarhi

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1. KRISHNA KUMAR @ KRISHNA BHAGAT Son of Late Jagdeesh Bhagat
Resident of Village - Nanpur, P.S.- Nanpur, Distt.-Sitamarhi.
 2. SHIVJEE BHAGAT @ SHIVAJI BHAGAT Son of Late jagdeesh Bhagat
Resident of Village - Nanpur, P.s.- Nanpur, Distt.- Sitamarhi.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Ratneshwar Prasad

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

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 12-04-2021 Heard learned counsel for the appellants and learned
Special P.P. for 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.

The matter relates to grant of anticipatory bail to the
appellants in connection with a case registered for the offences
under Sections 341, 323, 379, 504/34 of the Indian Penal Code
and Section 3(1)(w)(r) of the SC/ST (Prevention of Atrocities)
Act, 1989.

The prosecution case, in short, is that the appellant
No.1 assaulted the informant by means of fists and slaps and



appellant No.2 assaulted the informant with axe they also abused him by taking his 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. There is admitted land dispute between the parties, which is evident from Annexure 2 to the present appeal. 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, 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 11.09.2020, passed by the learned Additional Sessions Judge 1st-cum-Special Judge, SC/ST (POA) Act, Sitamarhi vide A.B.P. No.904 of 2020/134 of 2020 in connection with Nanpur P.S. case No.118 of 2020, 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 Additional Sessions Judge 1st-cum-Special Judge, SC/ST (POA) Act, Sitamarhi in connection with Nanpur P.S. case No.118 of 2020.

(Sudhir Singh, J)

Narendra/-

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