

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3862 of 2021

Arising Out of PS. Case No.-99 Year-2020 Thana- NAUTAN District- Siwan

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JAI KISHUN BHAGAT Son of Late Chikhuri Bhagat Resident of Village-
Galimapur, P.S.- Nautan, District- Siwan.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Bijay Prakash Singh

For the Respondent/s : Mr.Binay Krishna

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 22-10-2021 Heard the learned counsel for the appellant and

the learned Special Public Prosecutor for the State.

This appeal is directed against the order dated

05.12.2020 passed by the learned 1st Additional District &

Sessions Judge-cum-Special Judge, Siwan, in A.B.P. No.

2319 of 2020 arising out of Nautan P.S. Case No. 99 of

2020, whereby the prayer made on behalf of the appellant

for grant of anticipatory bail for the offences under Sections

147, 148, 149, 341, 354, 307, 302, 504, 506 and 509 of

the Indian Penal Code and Section 3(2)(v) of the SC/ST

(POA) Act has been rejected.

The accusation in the First Information Report is



that the ladies of the prosecution side were insinuated against by their caste names and were assaulted by many of the accused persons.

So far as the appellant is concerned, the only accusation against him is of having exhorted the other accused persons to assault the members of the prosecution party.

The learned counsel for the appellant has, therefore, submitted that though he is named in the F.I.R. along with other accused persons but there is no accusation of assault or of hurling abuses against him. The specific allegation is against other accused persons. The appellant is the co-villager of the informant but he does not have any association with the other accused persons. He has been made accused in this case only on the impression of the informant that he is the supporter of other accused persons. There is a counter version of the occurrence as well vide Nautan P.S. Case No. 100 of 2020.

The offence under the SC/ST (Prevention of Atrocities), therefore, cannot be said to have been made out



against the appellants.

For the reasons afore-stated, the order dated 05.12.2020 passed by the learned 1st Additional District & Sessions Judge-cum-Special Judge, Siwan is set aside.

The appeal stands allowed.

The appellant, above named, is directed to be released on bail in the event of his arrest or surrender before the court below within a period of eight weeks from the date of receipt /production of a copy of this order on his furnishing bail bonds in the sum of Rs. 10,000 (Rs. Ten Thousand) with two sureties of like amount each to the satisfaction of learned learned 1st Additional District & Sessions Judge-cum-Special Judge, Siwan in connection with Nautan P.S. Case No. 99 of 2020.

(Ashutosh Kumar, J)

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