

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.20 of 2022

Arising Out of PS. Case No.-10 Year-2021 Thana- SC/ST District- Bhagalpur

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1. ARCHANA DEVI W/o Ramesh Kumar Resident of Village - Barahat, P.S.- Ishipur Barahat, Distt.- Bhagalpur.
 2. SWETA DEVI @ SWETA KUMARI W/o Umesh Kumar Bhagat Resident of Village - Barahat, P.S.- Ishipur Barahat, Distt.- Bhagalpur.
 3. UMESH KUMAR BHAGAT Son of Late Kailash Bhagat Resident of Village - Barahat, P.S.- Ishipur Barahat, Distt.- Bhagalpur.

... .. Appellant/s

Versus

1. The State of Bihar
2. Rajan Ravidas Son of Late Prasadi Ravidas Resident of Village - Barahat, P.S.- Ishipur Barahat, Distt.- Bhagalpur.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Praveen Kumar
For the State	:	Ms. Usha Kumari, 1
For the Informant	:	Mr. Suresh Kumar

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

5 10-10-2022 The learned counsel for the appellants is directed to remove all the defects pointed out by the office within one month.

Heard learned counsel for the appellants as well as the learned counsel for the informant.

This appeal has been preferred on behalf of the appellants under Section 14 (A) (2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 for setting aside the order dated 09.12.2021, passed by the learned Additional Sessions Judge III-cum-Special Judge (SC/ST),



Bhagalpur registered for offence punishable under sections 341, 323, 406, 420, 504, 34 of the Indian Penal Code and sections 3 (1) (r) (s) of the SC/ST (POA) Act, whereby the prayer for anticipatory bail of the appellants has been rejected.

As per allegation, there was an agreement between the informant and co-accused Ramesh Kumar Bhagat. As per terms and conditions of the agreement, co-accused Ramesh Kumar Bhagat had taken Rs. 7,48,800/- from the informant and he had to return the amount with benefit Rs. 10,29,600/- or 3,12,000/- of bricks. Co-accused Ramesh Kumar Bhagat neither returned the money nor bricks to the informant as assured by him in the agreement paper. When the informant demanded the money, Ramesh Kumar Bhagat and his brother Umesh Kumar Bhagat, petitioner no. 3 refused to return and they also manhandled him and abused him by calling his caste name. There is also allegation against appellant nos. 1 and 2, who are wives of Ramesh Kumar Bhagat and Umesh Kumar Bhagat and petitioner no. 3 that they abused the informant by calling his caste name and assaulted.

The learned counsel for the appellants has submitted that there was no agreement between the informant and the appellants. The agreement was between the informant and



co-accused Ramesh Kumar Bhagat. No evidence emerged during course of investigation, as such, the investigating authorities submitted final form against the appellants, but differing with the opinion of the investigating authorities, the learned court below has taken cognizance also against the appellants. He has also submitted that co-accused Ramesh Kumar Bhagat has been granted regular bail.

On the other hand, the learned counsel for the informant has opposed the prayer for bail and submitted that there is allegation that Umesh Kumar Bhagat as well as appellant nos. 1 and 2 have also misbehaved with the informant and abused him by calling his caste name.

The dispute appears to have arisen out of money transaction. The investigating authorities have submitted final form against the appellants.

Considering the above-mentioned facts and circumstances, the appeal is allowed and the impugned order dated 09.12.2021 is set aside.

Accordingly, the appellants, in the event of arrest or surrender before the court below within four weeks from today, are directed to be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- each with two sureties of the like amount



each to the satisfaction of learned Additional Sessions Judge III-cum-Special Judge (SC/ST), Bhagalpur in connection with Bhagalpur SC/ST P.S. Case No. 10 of 2021.

Office shall ensure that all defects are removed by the appellants within the stipulated time mentioned hereinabove, failing which, the matter shall be brought to the notice of this Court.

(Nawneet Kumar Pandey, J)

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