

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1534 of 2021

Arising Out of PS. Case No.-331 Year-2020 Thana- PHULWARISHARIF District- Patna

1. VIKAS KUMAR Son of Arbind Bhagat @ Kalu Bhagat Resident of Village - Murgiachak, P.S.- Janipur, Dist.- Patna.
2. Niraj Kumar Son of Arjun Bhagat @ Sri Ram Bhagat Resident of Village - Murgiachak, P.S.- Janipur, Dist.- Patna.
3. Chandan Kumar @ Pandav Kumar Son of Late Bijnandan Bhagat @ Late Bijnen Bhagat Resident of Village - Murgiachak, P.S.- Janipur, Dist.- Patna.
4. Ranjan Kumar Son of Ashok Bhagat Resident of Village - Murgiachak, P.S.- Janipur, Dist.- Patna.
5. Karan Kumar Son of Sriram Bhagat Resident of Village - Murgiachak, P.S.- Janipur, Dist.- Patna.
6. Manoj Bhagat @ Manoj Kumar Son of Late Ramji Bhagat Resident of Village - Murgiachak, P.S.- Janipur, Dist.- Patna.
7. Gautam Kumar Son of Ashok Bhagat Resident of Village - Murgiachak, P.S.- Janipur, Dist.- Patna.
8. Dilip Kumar @ Dilip Bhagat Son of Late Bijnandan Bhagat @ Late Bijnen Bhagat Resident of Village - Murgiachak, P.S.- Janipur, Dist.- Patna.
9. Niranjan Kumar Son of Ashok Bhagat Resident of Village - Murgiachak, P.S.- Janipur, Dist.- Patna.
10. Chhotu Kumar Son of Sriram Bhagat Resident of Village - Murgiachak, P.S.- Janipur, Dist.- Patna.
11. Arbind Bhagat Son of Late Ramji Bhagat Resident of Village - Murgiachak, P.S.- Janipur, Dist.- Patna.
12. Guria Devi Wife of Mukesh Bhagat Resident of Village - Murgiachak, P.S.- Janipur, Dist.- Patna.
13. Rajiv Kumar @ Rajiv Pandit Son of Mahavir Pandit @ Mahavir Tailors Resident of Village - Murgiachak, P.S.- Janipur, Dist.- Patna.

... .. Appellant/s

Versus

1. The State of Bihar
2. Punam Devi Wife of Late Raju Chaudhary Of Village - Naubatpur, P.S.- Naubatpur, Dist.- Patna.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Sangeet Deokuliar
For the Respondent/s : Mr. Binay Krishna

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

6 22-02-2023 Heard the parties.



Learned counsel for the appellants undertakes to remove the defects within four weeks.

Though Vakalatnama has been filed on behalf of the respondent no.2 but nobody appears on her behalf.

This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter in short referred to as the 'SC/ST Act') against the refusal of prayer of anticipatory bail vide order dated 18.09.2020 passed by learned Special Judge (SC/ST Act), Patna in connection with Phulwari (Janipur) P.S. Case No.331 of 2020, registered under Sections 147, 149, 341, 323, 379, 447, 307, 427, 337, 504, 506 of the IPC and Section 3(i) (r) (s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act and 27 of Arms Act.

The appellants and several others are said to have pelted stones at the house of the informant. One Ashok Bhagat is said to have assaulted him by means of an iron rod and one Sujit Kumar opened fire. It is further alleged that the appellants have abused the informant's side by taking caste name.

It is submitted by learned counsel for the appellants that the appellants have no concern with the aforesaid occurrence. They have been falsely implicated in the case due to dirty village



politics. The allegation of assault levelled against the appellants is not specific rather general and omnibus in nature. He further submits that similarly situated co-accused persons have been granted bail by a co-ordinate Bench of this Court and also by this Court vide order dated 29.06.2021 passed in Cr. App.(SJ) No.731 of 2021 and order dated 11.05.2022 passed in Cr. App(SJ) No.25 of 2021 respectively. Appellants have no criminal antecedent.

Learned Spl. PP for the State opposed the prayer for bail.

In the facts and circumstances of the case, the above named appellants, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be enlarged on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) **each** with two sureties of the like amount each to the satisfaction of the learned Special Judge (SC/ST Act), Patna in connection with Phulwari (Janipur) P.S. Case No.331 of 2020, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

Accordingly, the impugned order is set aside and this appeal is allowed.

(Anjani Kumar Sharan, J)

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