

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2922 of 2023

Arising Out of PS. Case No.-57 Year-2023 Thana- NAUTAN District- Siwan

1. Bijay Bhagat @ Vijay Bhagat S/O- Ramdhyan Bhagat Village- Chafawa Ps- Nautan Dist- Siwan
2. Bittu Bhagat @ Bitu Bhagat S/O- Ramdhyan Bhagat Village- Chafawa Ps- Nautan Dist- Siwan
3. Ramdhyan Bhagat S/O- Jhuna Bhagat Village- Chafawa Ps- Nautan Dist- Siwan
4. Lalan Bhagat @ Lalan S/O- Jhuna Bhagat Village- Chafawa Ps- Nautan Dist- Siwan
5. Ram Dayal Bhagat @ Ram Dayal Sah S/O- Lalan Bhagat Village- Chafawa Ps- Nautan Dist- Siwan
6. Shyam Lal Bhagat @ Shyam Dayal Bhagat S/O- Lalan Bhagat Village- Chafawa Ps- Nautan Dist- Siwan
7. Bahadur Bhagat @ Ram Bahadur Bhagat S/O- Lalan Bhagat Village- Chafawa Ps- Nautan Dist- Siwan
8. Aniruddh Bhagat @ Anarudh Bhagat @ Anurodh Bhagat S/O- Lalan Bhagat Village- Chafawa Ps- Nautan Dist- Siwan
9. Dilip Bhagat @ Dilip Singh S/O- Lalan Bhagat Village- Chafawa Ps- Nautan Dist- Siwan

... .. Appellant/s

Versus

1. The State of Bihar Biar
2. Nagendra Kumar Gond S/O- Late Jaggu Gond Village- Chafawa Ps- Nautan Dist- Siwan

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Bijay Prakash Singh
For the Respondent/s	:	Mr. Binay Krishna
		Mr. Bishwajeet Pandey

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 04-10-2023 Heard learned counsel for the appellants, learned Special Public Prosecutor for the State and learned counsel for the respondent no. 2.

2. 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 01.06.2023 passed by learned 1st Additional Sessions Judge-cum-Special Judge Siwan, in connection with Nautan P.S. Case No. 57 of 2023 registered under Sections 147, 148, 149, 379, 323, 384, 387, 506, 34, 354(B) of the Indian Penal Code and Sections 3(i)(r)(s), 3(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

3. As per the prosecution case, it is alleged that the appellants along with other accused persons are said to have assaulted and abused the informant.

4. Learned counsel for the appellants submits that the appellants have no concern with the aforesaid occurrence. There is no allegation of slating the informant in the specific name of his caste. Hence, no offence under Section SC/ST Act is made out against the appellant. He submits that the date of occurrence occurred on 13.06.2021 and the complaint petition has been filed on 07.08.2021 about delay of more than one and half months, without any reasonable explanation, which creates serious doubt on the prosecution case. He further submits that no any incriminating articles have been recovered from



conscious possession of the appellants. Appellants no. 1, 2 and 4 to 9 have got no antecedent and appellant no. 3 has one criminal antecedent as mentioned in para-3 of memo of the appeal.

5. Learned Spl. PP for the State and learned counsel for the respondent no. 2 opposed payer for bail and submitted that the respondent no. 2 has earlier filed an application before the police station but the police have not registered the case, thereafter, he filed a complaint case against these appellants, therefore, there is delay in filing the present complaint case.

6. Considering the facts and circumstances of the case, let the above named appellants no. 1, 2 and 4 to 9, 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 learned 1st Additional Sessions Judge-cum-Special Judge Siwan, in connection with Nautan P.S. Case No. 57 of 2023, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

7. Considering the facts and circumstances of case and the fact that appellant no. 3 has criminal antecedent of similar nature, I am not inclined to enlarge appellant no.3 on



anticipatory bail. The prayer for anticipatory bail of the
appellant no. 3 is hereby rejected.

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

(Anjani Kumar Sharan, J)

anand/-

U		T	
---	--	---	--

