

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1099 of 2024

Arising Out of PS. Case No.-668 Year-2023 Thana- TEKARI District- Gaya

1. Ramavtar Bhagat, Son Of Late Chandrika Bhagat Resident Of Village- Shahbajpur, Ps- Tekari, Distt- Gaya
2. Kaushal Bhagat @ Kaushal Kumar, Son Of Sri Ram Bhagat @ Sriram Prasad Resident Of Village- Shahbajpur, Ps- Tekari, Distt- Gaya
3. Kanak Bhagat @ Kaushik Kumar, Son Of Sri Ram Bhagat @ Sriram Prasad Resident Of Village- Shahbajpur, Ps- Tekari, Distt- Gaya
4. Siyaram Bhagat, Son Of Late Jagdish Bhagat Resident Of Village- Shahbajpur, Ps- Tekari, Distt- Gaya

... .. Appellant/S

Versus

The State Of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Kamal Kumar Sinha

For the Respondent/s : Ms.Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 04-04-2024 1. Heard learned counsel for the appellants and learned Special P. P. for the State.

2. The learned counsel for the appellants seeks permission to withdraw the present appeal with respect to appellant no.2, namely, Kaushal Bhagat @ Kaushal Kumar and appellant no.3, namely, Kanak Bhagat @ Kaushik Kumar.

3. Permission is accorded.

4. Accordingly, instant petition is dismissed as withdrawn with respect to appellant no.2, namely, Kaushal Bhagat @ Kaushal Kumar and appellant no.3, namely, Kanak



Bhagat @ Kaushik Kumar.

5. The rest appellants have challenged the order dated 09.02.2024 passed by the learned Exclusive Special Judge, SC/ST, Gaya in connection with Tekari (O.P. Panchanpur) P. S. Case No.668 of 2023, instituted for the offences under Sections 147, 149, 341, 323, 324, 307, 353 and 504 of the Indian Penal Code and Section 3(i)(r)(s) and 3(2)(va) of the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act, whereby their prayer for grant of anticipatory bail has been rejected.

6. The learned counsel for the appellants submits that the appellants are persons with clean antecedent and have been falsely implicated in the instant case by the informant based on identification made by the Chaukidar. It is next submitted that appellant no.1 is aged about 70 years and appellant no.4 is aged about 58 years and they have remained persons with clean antecedent all throughout and they came to be implicated in the instant case with an allegation that when police had gone to verify an information that Lalan Kumar and Deepak Kumar in a drunken condition were quarreling when it is alleged that the accused persons including the appellants came and started assaulting the police personnel. It is further submitted that since the house of the appellants were near the place of occurrence, as



such, they have been implicated in the instant case based on suspicion. It is reiterated that appellants are persons with clean antecedents.

7. Regard being had to the aforesaid submissions, the order dated 09.02.2024 is set-aside.

8. The appeal stands allowed.

9. The appellants, above-named, in the event of their arrest or surrender before the learned Court below within a period of eight weeks, are directed to be released on bail on their furnishing bail-bonds in the sum of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, SC/ST, Gaya in connection with Tekari (O.P. Panchanpur) P. S. Case No.668 of 2023, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

(Satyavrat Verma, J)

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