

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2817 of 2024

Arising Out of PS. Case No.-11 Year-2024 Thana- Jai Bajrang District- East Champaran

1. ARUN BHAGAT @ ARUN KUMAR KUSHWAHA SON OF RAMCHANDRA BHAGAT VILLAGE- MADHUBAW, MAHMADA, JAIBAJRANG, P.S.- JAIBAJRANG PARTAPUR, DISTT.- EAST CHAMPARAN, MOTIHARI
2. RAMESH BHAGAT @ RAMESH PRASAD KUSHWAHA SON OF SUKHDEO BHAGAT VILLAGE- MADHUBAW, MAHMADA, JAIBAJRANG, P.S.- JAIBAJRANG PARTAPUR, DISTT.- EAST CHAMPARAN, MOTIHARI
3. AWADHESH BHAGAT SON OF WAKIL BHAGAT VILLAGE- MADHUBAW, MAHMADA, JAIBAJRANG, P.S.- JAIBAJRANG PARTAPUR, DISTT.- EAST CHAMPARAN, MOTIHARI
4. KUNDAN BHAGAT @ KUNDAR KUMAR SON OF AWADHESH BHAGAT VILLAGE- MADHUBAW, MAHMADA, JAIBAJRANG, P.S.- JAIBAJRANG PARTAPUR, DISTT.- EAST CHAMPARAN, MOTIHARI
5. MITHLESH BHAGAT @ MITHLESH KUMAR SON OF MAHESH BHAGAT VILLAGE- MADHUBAW, MAHMADA, JAIBAJRANG, P.S.- JAIBAJRANG PARTAPUR, DISTT.- EAST CHAMPARAN, MOTIHARI
6. RAMCHANDRA BHAGAT SON OF SURYUG BHAGAT VILLAGE- MADHUBAW, MAHMADA, JAIBAJRANG, P.S.- JAIBAJRANG PARTAPUR, DISTT.- EAST CHAMPARAN, MOTIHARI
7. ANJALI DEVI SON OF ARUN BHAGAT VILLAGE- MADHUBAW, MAHMADA, JAIBAJRANG, P.S.- JAIBAJRANG PARTAPUR, DISTT.- EAST CHAMPARAN, MOTIHARI

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. MOTILAL BAITHA SON OF LATE DEWAN BAITHA VILLAGE- ADHUBANI MAHMADA, P.S.- JAIBAJRANG, DISTT.- EAST CHAMPARAN, MOTIHAR

... .. Respondent/s

Appearance :

For the Appellants	:	Mr. Rajesh Kumar, Advocate
For the State	:	Ms. Usha Kumari 1, , Spl.PP
For Respondent No. 2	:	Mr. Binay Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 31-08-2024 Heard learned counsels for the parties.



2. This appeal has been filed for setting aside order dated 31.05.2024, passed in a case registered for the offence punishable under Sections 341, 323, 379, 354B, 504, 506 and 34 of the Indian Penal Code and Section 3(i)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, whereby the prayer for anticipatory bail of the appellants has been rejected.

3. The prosecution case in brief is that on 28.04.2024 at 8 PM, while the informant was sitting at his doorstep, in the meanwhile, on account of old road dispute, all the F.I.R. named accused persons, including these appellants, armed with weapons, came there and started abusing informant by caste name and upon objection, they assaulted informant and his family members.

4. It is submitted by learned counsel appearing on behalf of the appellants that appellants are innocent and have falsely been implicated in this case. Allegation of assault is general and omnibus. As a matter of fact, on the alleged date and time of occurrence, due to old road dispute between the parties, a simple maar-peet took place between them in which body sides sustained injuries. There is case and counter-case between the parties. Moreover, injuries allegedly caused by



these appellants have been found to be simple in nature. It is further submitted that F.I.R. does not disclose that any member of public was present at the time of incidence and as such, no case under Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act is made out. Appellants claim clean antecedents.

5. On the other hand, learned S.P.P. appearing on behalf of the State and learned counsel appearing on behalf of the informant/Respondent No. 2 have vehemently opposed the prayer for grant of bail to these appellants.

6. Considering the aforesaid facts and circumstances of the case, case and counter-case between the parties, nature of injuries sustained by the injured and clean antecedents of the appellants, this appeal is allowed and the impugned order dated 31.05.2024 passed by the Court of learned Special Judge, SC/ST Act, East Champaran, Motihari, in connection with A.B.P. No. 2218 of 2024 is hereby set aside with respect to these appellants only.

7. Accordingly, let the appellants, named above, in the event of arrest/surrender within a period of eight weeks from the date of receipt/production of a copy of this order, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each



with two sureties of the like amount each to the satisfaction of
learned Special Judge, SC/ST Act, East Champaran, Motihari, in
connection with Jaibajrang P.S. Case No. 11 of 2024.

(Prabhat Kumar Singh, J)

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