

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3829 of 2023

Arising Out of PS. Case No.-270 Year-2023 Thana- BHORE District- Gopalganj

1. Sheoji Bhagat S/O- Laldhar Bhagat Village- Baghwa Mishir Ps-Bhore Dist- Gopalganj
2. Sachidanand Bhagat Son Of Laldhar Bhagat Village- Baghwa Mishir, Ps- Bhore Dist- Gopalganj
3. Vijay Bhagat Son Of Late Babulal Bhagat Village- Noniya Chhapar, Ps- Bhore Dist- Gopalganj
4. Binda Lal Son Of Laldhar Bhagat Village- Baghwa Mishir, Ps-Bhore Dist- Gopalganj
5. Brijesh Bhagat Son Of Late Babulal Bhagat Village- Noniya Chhapar, Ps- Bhore Dist- Gopalganj
6. Birendra Bhagat Son Of Babulal Bhagat Village- Noniya Chhapar, Ps-Bhore Dist- Gopalganj
7. Laldhar Bhagat Son Of Late Hira Bhagat Village- Mishir Bagawa, Ps-Bhore Dist- Gopalganj
8. Pappu Bhagat Son Of Birendra Bhagat Village- Mishir Bagawa, Ps-Bhore Dist- Gopalganj
9. Sona Devi Wife Of Vijay Bhagat Village- Noniya Chhapar, Ps-Bhore Dist- Gopalganj
10. Sunaina Devi Wife Of Babulal Bhagat Village- Noniya Chhapar, Ps-Bhore Dist- Gopalganj
11. Parwati Devi Wife Of Sheoji Bhagat Village- Bagawa Mishir, Ps-Bhore Dist- Gopalganj
12. Ranjana Devi Wife Of Binda Bhagat Village- Mishir Bagawa, Ps-Bhore Dist- Gopalganj

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Vinay Kumar son of Rajendra Sah Village- Bhopatpura Ps- Bhore Dist- Gopalganj

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Vyas Kumar Mishra
For the Respondent/s	:	Mr.Sadanand Paswan
For the Informant/s	:	Mr. Lokesh Kumar Singh

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER



3 15-03-2024 Heard learned counsel for the appellants and learned counsel for the informant as well as learned Special Public Prosecutor for the State.

2. This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act against the refusal of prayer for anticipatory bail vide order dated 24.07.2023 passed by learned Additional Sessions Judge-III-cum-SC/ST Special Court, Gopalganj, Bihar in connection with ABP No. 1550/2023 arising out of Bhore P.S. Case No. 270/2023 dated 07.06.2023 registered for the offence/s punishable u/ss 341, 323, 324, 379, 427, 504, 506 read 34 of the Indian Penal Code and Sections 3(i)(r)/ 3(2)(va) of the SC/ST Act.

3. As per the prosecution case, on 07.06.23 at about 4.00 a.m. Pappu called by mobile to his younger brother Manoj that they are constructing shed after demolishing your house. Come if you dare. Then Manoj told the informant then the informant and his uncle Upendra Sah moved from a bike and Manoj was also coming from a bike and when they reached near his house at LalaChhapar main road the Sheeji Bhagat inflicted blow of farsa on his head and Sachitanand Bhagat assaulted Manoj with iron-rod due to which Manoj became unconscious



and fell on the ground and Vijay Bhagat gave order to Bindalal to assault by saying caste name of the informant and Bindalal assaulted with sword which hit the knee of the right leg of Manoj. Brijesh Bhagat snatched away gold chain from the neck of the informant worth Rs.80,000/-. Birendra Bhagat assaulted the informant with spade on his back, waist, thigh due to which he got badly injured. Laldhar Bhagat took away Rs. 5,000/- from his pocket, Pappu Bhagat, Sona Devi, Sunaina Devi, Parwati Devi and Ranjana Devi abused by calling his caste name and they damaged both the motorcycles with bricks and *lathi*.

4. Learned counsel for the appellants has submitted that the appellants have falsely been implicated in this case due to ulterior motive. Learned counsel has further submitted that the caste name was not disclosed by anyone at the time alleged occurrence. As per FIR, no member of public was present at the relevant point of time of the alleged incident. Learned counsel has further submitted that no particular caste name has been called by the appellants hence no case is made out under section SC/ST Act. The appellants No. 2 and 4 have one criminal antecedent whereas the appellants No. 1,3,5,6,7,8,9,10,11 and 12 have no criminal antecedent as stated in para 3 of the bail



petition. There is a case and counter case between both the parties. As per the impugned order, the occurrence alleged in the FIR does not get supported by the injury report and further it has come in the investigation that the actual cause of dispute is due to land dispute.

5. Learned counsel for the informant as well as learned Spl. P.P. for the State has vehemently opposed the anticipatory bail petition of the appellants.

6. In view of the aforesaid facts and circumstances of the case as well as finding substance in the contention of the learned counsel for the appellants, the impugned order dated 24.07.2023 passed by learned Additional Sessions Judge-III-cum-SC/ST Special Court, Gopalganj, Bihar in connection with ABP No. 1550/2023 arising out of Bhore P.S. Case No. 270/2023, is set aside against the appellants. The criminal appeal is allowed.

7. Accordingly, 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 anticipatory bail on furnishing bail-bond of Rs. 20,000/- (Rupees twenty thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional



Sessions Judge-III-cum-SC/ST Special Court, Gopalganj, Bihar
in connection with ABP No. 1550/2023 arising out of Bhore P.S.
Case No. 270/2023, subject to conditions as laid down under
section 438(2) of the Code of Criminal Procedure.

(Chandra Prakash Singh, J)

atul/-

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

