

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5188 of 2023

Arising Out of PS. Case No.-22 Year-2023 Thana- SC/ST District- Gopalganj

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1. Janakadeo Bhagat @ Janakdeo Prasad Son Of Late Tokhlal Bhagat Resident Of Village- Pithauri, P.S. Thawe, District- Gopalganj.
 2. Dilip Bhagat Son Of Gagan Deo Bhagat Resident Of Village- Pithauri, P.S. Thawe, District- Gopalganj.
 3. Pramod Bhagat Son Of Gagan Deo Bhagat Resident Of Village- Pithauri, P.S. Thawe, District- Gopalganj.

... .. Appellant/s

Versus

1. The State Of Bihar Bihar
2. Harinarayan Sah Son Of Shdiv Kuwar Sah Resident Of Village- Pithauri, P.O. Udant Rai Ke Bangra, P.S. Thawe, District- Gopalganj

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Jitendra Kumar Pandey, Adv.
For the Respondent/s : Mr.Binay Krishna, SPP

CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA

ORAL ORDER

14 29-02-2024 Heard learned counsel for the appellants, learned Special Public Prosecutor for the State and learned counsel for the informant.

2. The instant appeal has been filed by the appellants against the order dated 30.09.2023 passed by learned Addl. Judge-XI-Cum-Exclusive Special Judge under The S.C/S.T Act, District- Gopalganj whereby the prayer for bail of the appellant in connection with Gopalganj SC/ST P.S Case No. 22/2023 under Sections 341,



323, 324, 504, 34 of I.P.C and 3 (I) (r) (g)/3 (va) of SC/ST (POA) Act was rejected.

3. Prosecution case, in short, It is a case of abuse and assault of victim belonging to Scheduled Caste with regards to a land dispute occurring between informant and appellants along with co-accused persons.

4. Learned counsel for the appellants submits that the appellants have falsely been implicated in the present case. Learned counsel for the appellants further submits that the appellants have not taken the caste name of the informant in public view. Hence, no offence under the provisions of SC/ST Act is made out against him. The appellants have no intention to disgrace the image of the informant in public view. The appellants are in custody since 30.09.2023 and have no criminal antecedent.

5. Learned Special P.P. for the State and the informant have vehemently opposed the prayer for grant of bail to the appellants.

6. Considering the aforesaid facts and circumstances of the case and the period of custody undergone by the petitioner, this Court is inclined to allow



this appeal. Accordingly, the appeal is allowed and order dated 30.09.2023 passed by learned Addl. Judge-XI-Cum-Exclusive Special Judge under The S.C/S.T Act, District-Gopalganj is hereby set aside.

7. Let the appellants be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Addl. Judge-XI-Cum-Exclusive Special Judge under The S.C/S.T Act, District- Gopalganj / concerned Court in connection with Gopalganj SC/ST P.S Case No. 22/2023.

(Ramesh Chand Malviya, J)

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