

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.3606 of 2017

Arising Out of PS.Case No. -21 Year- 2017 Thana -SC/ST District- SASARAM (ROHTAS)

- =====
1. Mangru Tiwari @ Mangaru Tiwari S/o. Rameshwar Tiwari,
 2. Rahul Tiwari S/o. Ram Awadh Tiwari,
 3. Raja Tiwari S/o. Ram Awadh Tiwari,
 4. Muturan Tiwary S/o. Binod Tiwary,
- All are R/v. Tiwaridih, P.S. Sasaram (M), District- Rohtas

.... Appellant/s

Versus

The State of Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Rajesh Kumar Mishra, Advocate

For the Respondent/s : Smt Usha Kumari No-1, SPP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

3 05-02-2018

Heard learned counsel for the parties.

This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 against the refusal of prayer for anticipatory bail by the learned Additional Sessions Judge-I, Rohtas at Sasaram, in connection with SC/ST Dehri Police Station Case No.21 of 2017 registered under Sections 147/149/341/323/376/511/448/504/506 of the Indian Penal Code and Sections 3(i) (r)(s)w(i)(ii) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

The F.I.R. would reveal that the entire occurrence of abuse and assault as well as attempt to outrage the modesty of the female members of the family allegedly took place inside the



house and not in public view.

Submission of the learned counsel for the appellant is that there is counter case also for private dispute between two neighbours for throwing some garbage the occurrence of altercation had taken place. The police did not submit charge sheet for other alleged offences save and accept under Sections 341/323/504/34 Of the Indian Penal Code as well as Section 3(i)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989. However, learned Court-below has taken cognizance after differing with the police report.

Learned counsel for the informant opposed the prayer for anticipatory bail.

The F.I.R. does not disclose anything to have taken place within public view. Hence, bar under Section 18 is not attracted. Hence, let the appellants, above named, in the event of their arrest or surrender before the Court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bonds of Rs.20,000/- (Twenty Thousand) each with two sureties of the like amount each to the satisfaction of the learned Court-below where the case is pending in connection with the aforesaid case, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure as well as



condition that the appellants shall fully cooperate with the investigation/trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the appellants.

Accordingly, the appeal stands allowed.

(Birendra Kumar, J)

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