

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1338 of 2019**

Arising Out of PS. Case No.-130 Year-2018 Thana- CHENARI District- Rohtas

BIKKY TIWARI @ ABHISHEK KUMAR Son of Ashok Tiwari Resident of
Vill- Lanji, P.S.- Chenari, District- Rohtas.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Ashok Kumar Pandey
For the Respondent/s : Mr.Binay Krishna

**CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL**

ORAL ORDER

7 21-08-2019 Heard learned counsel for the appellant and
learned Spl. PP for the State.

This is an appeal under Section 14(A)(2) of the SC/ST Act against the refusal of prayer for bail vide order dated 20.02.2019 passed by learned 1st Addl. Sessions Judge cum Special Judge, SC/ST Act, Rohtas at Sasaram in Chenari P.S. Case No. 130 of 2018 registered under Sections 147, 148, 149, 302 and 120B of the Indian Penal Code and Sections 3(ii)(v) of the SC/ST Act.

On lodging the F.I.R. by the informant against Sonu Sharma, Shahban Ansari and others for assaulting him, five named accused persons including the aforesaid Sonu Sharma, Shahban Ansari and the appellant committed murder of his brother in course of proceeding to his sister's house on the



motorcycle by means of lathi, danda, sharp edged weapons and stone and dumped his dead body in the bush.

It is submitted by learned counsel for the appellant that the appellant has no concern with the aforesaid occurrence. He has been falsely implicated in the case due to dirty village politics. The allegation levelled against the appellant is not specific rather general and omnibus in nature. Informant does not happen to be eye witness of the occurrence. Moreover there is no eye witness of the occurrence. ASI namely Hakim Hansda in Para 21 of the case diary has stated that on getting information on his mobile about road accident from the P.S., he along with police force arrived at the accident site and found the injured Harendra Paswan lying 6-7 feet North of the road in the bush and damaged motorcycle on the flank of road. Injured was rushed to the hospital, but he was declared brought dead by the doctor. I.O. has also mentioned the place of occurrence as bush located on the flank of the road. Aforesaid aspect of the case indicates that the deceased Harendra Paswan has died in the road accident. Appellant has been languishing in custody since 25.12.2018.

Learned Spl. PP for the State opposed the prayer for bail.



In the facts and circumstances of the case, the above named appellant is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned 1st Addl. Sessions Judge cum Special Judge, SC/ST Act, Rohtas at Sasaram in connection with Chenari P.S. Case No. 130 of 2018.

Accordingly, the impugned order is set aside and appeal is allowed.

(Prakash Chandra Jaiswal, J)

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