

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1765 of 2019**

Arising Out of PS. Case No.-292 Year-2018 Thana- CHAPRA TOWN District- Saran

ANIL KUMAR TIWARI Son of Ram Awadh Tiwari, Resident of Village-
Chanaur, P.S.- Bhihiya, District- Bhojpur.

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Mukesh Kumar Singh
For the Respondent/s : Mr.Sadanand Paswan. A.P.P.

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

ORAL ORDER

4 05-07-2019 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

This is an appeal under Section 14 (A) (2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as the “SC/ST Act”) against the refusal of prayer for anticipatory bail vide order dated 25.03.2019 passed by learned 1st Additional Sessions Judge, Saran at Chapra in connection with Chapra Town P.S. Case No. 292 of 2018, registered under Sections 420/406 of the Indian Penal Code and also under Section 3 (i) (R) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Appellant is said to have taken rupees three lacks



from the informant for managing job in 4th class cadre in Civil Court Chapra for him but in vain. On demand of his money by the informant appellant slated him in the name of his caste and extended threatening of dire consequences.

It is submitted by the learned counsel for the appellant that no such occurrence as alleged ever took place. He has been falsely implicated in this case due to misunderstanding. The appellant is said to have slated the informant in the name of his caste at police line Chapra and the said police line is not a public place rather it is a secluded place having no access to public at large hence no offence under SC/ST Act, is made out against the appellant. Moreover, there is no F.I.R. named witness in the occurrence. More so parties have entered into compromise and filed compromise petition in the Court below. Appellant is a government employee. He has no criminal antecedent.

Learned Spl. P.P. 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 in the event of his arrest or surrender before the learned Court below within a period of four weeks from today on furnishing bail bond of Rs.



10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned 1st Additional Sessions Judge-cum-Special Judge, SC/ST (POA) Act, Saran at Chapra in connection with Chapra Town P.S. Case No. 292 of 2018, subject to condition as laid down under Section 438 (2) of the Cr.P.C.

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

(Prakash Chandra Jaiswal, J)

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