

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1784 of 2019**

Arising Out of PS. Case No.-334 Year-2018 Thana- CHAKIA District- East Champaran

PAPPU TIWARI @ RAJIV TIWARI Son of Sita Ram Tiwari Resident of
Village - Parsauni Khem, P.S.- Chakiya, District- East Champaran.

... .. Appellant/s

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Umesh Tiwari

For the Respondent/s : Mr.Binay Krishna

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

ORAL ORDER

3 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 19.02.2019 passed by learned 1st Additional Sessions Judge-Cum-Special Judge, SC/ST Act, East Champaran, Motihari in connection with Chakiya P.S. Case No. 334 of 2018, registered under Sections 302, 201/34 of the Indian Penal Code and also under Section 3 (2) (vi), 3 (1) (r) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.



Over row of ploughing the burning place appellant and five named accused persons are said to have committed murder of father of the informant and dumped his dead body at desolate place of the village Devi Chapra by tempo.

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 dirty village politics. The allegation levelled against the appellant is not specific rather general and omnibus in nature. There is no eye witness of the occurrence. There is nothing cogent on record to indicate the complicity of the appellant in the occurrence barring the confessional statement of co-accused Dablu Dubey given before the police which has no evidentiary value in the eyes of law. Appellant 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, East Champaran, Motihari in connection with Chakiya P.S. Case No. 334 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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