

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2689 of 2019**

Arising Out of PS. Case No.-378 Year-2016 Thana- SIKARPUR District- West Champaran

1. Jitendra Nath Tiwari @ Munna Tiwari Son of Rabindra Tiwari @ Rabindra Nath Tiwari Resident of Bhasurari, P.S.- Shikarpur, District- West Champaran
2. Ranjana Tiwari Wife of Jitendra Nath Tiwari @ Munna Tiwari Resident of Bhasurari, P.S.- Shikarpur, District- West Champaran
3. Nipu Tiwari @ Devendra Nath Tiwari @ Nibu Tiwari Son of Rabindra Tiwari @ Rabindra Nath Tiwari Resident of Bhasurari, P.S.- Shikarpur, District- West Champaran

... .. Appellants.

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Bimlesh Kumar Pandey
For the Respondent/s : Mr. Sadanand Paswan

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

ORAL ORDER

3 27-08-2019 Heard learned counsel for the appellants 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 in short referred to as the 'SC/ST Act') against the refusal of prayer of anticipatory bail vide order dated 23.05.2019 passed by learned 1st Additional Sessions Judge cum Special Judge, West Champaran at Bettiah in connection with Shikarpur P.S. Case No. 378 of 2016 registered under Sections 323, 324, 341, 379 & 504/34 of the



Indian Penal Code and Section 3(1) (x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

While the informant was working in the field, appellants Munna Tiwari and Nipu Tiwari arrived there and dragged him in his house tying neck with the gamcha and assaulted him in their house claiming the land of their own. Appellant Ranjana Tiwari assaulted on his head by means of Dabia (katta) and slated in the name of caste.

It is submitted by learned counsel for the appellants that no such occurrence as alleged ever took place. Appellants have been falsely implicated in the case due to land dispute. As a matter of fact, the land in question is hailing to appellant Ranjana Tiwari and informant and others had tried to rob the crops of the appellants. Regarding the said occurrence, the father of appellant nos.1 & 3 has lodged case against the informant and others vide Shikarpur P.S. Case No.458 of 2016 and in the said case the informant was apprehended by the police. Slating the informant in the name of caste is said to have been made inside the house of appellant, hence no offence under SC/ST Act is made out against the appellants. There is no corroborative injury report on the record. However, Police has submitted final form against the appellants. Appellants have no



criminal antecedent.

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

In the facts and circumstances of the case, the above named appellants, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned 1st Additional Sessions Judge cum Special Judge, West Champaran at Bettiah in connection with Shikarpur P.S. Case No. 378 of 2016, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

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

(Prakash Chandra Jaiswal, J)

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