

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2695 of 2019

Arising Out of PS. Case No.-40 Year-2015 Thana- SC/ST District- Bhojpur

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Dharmnath Tiwary, aged about 70 years, male, Son of Late Shiv Shankar
Tiwary Resident of Village- Dhamar, P.S.- Ara Muffasil, District- Bhojpur.

... .. Appellant

Versus

The State of Bihar

... .. Respondent

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Appearance :

For the Appellant : Mr. Sunita Kumari-Advocate
For the Respondent : Mr. Sadanand Paswan-S.P.P.

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL JUDGMENT

16-11-2019

Heard learned counsel for the appellant as well as
learned Special Public Prosecutor.

2. This appeal under Section 14-A(2) of the
Scheduled Castes and the Scheduled Tribes (Prevention of
Atrocities) Act (for short 'the Act') has been filed by the
appellant challenging the order dated 27.10.2018 passed in
A.B.P. No.1626 of 2018 by the learned 1st Additional Sessions
Judge, Bhojpur whereby he has rejected the application for grant
of pre-arrest bail of the appellant.

3. It is submitted by the learned counsel for the
appellant that the order passed by the court below cannot be
sustained in view of the fact that all other co-accused have
already granted pre-arrest bail by this Court. She has brought to
the notice of the Court the orders dated 17.03.2016, 01.04.2016



and 11.04.2016 passed in Criminal Miscellaneous Nos.4949 of 2016, 13145 of 2016 and 13983 of 2016 whereby the co-accused Birendra Prasad Yadav, Sandeep Chaudhari, Navin Chaudhari, Nitish Chaudhari and Dwarika Yadav have already been granted pre-arrest bail by this Court. She has further contended that looking at the allegation made in the first information report, it would be evident that the case predominantly is of civil nature and has been registered on the basis of complaint, which was referred to the police for investigation pursuant to which, the first information report was instituted.

4. Learned counsel appearing for the State has opposed the application. However, he concedes that the other co-accused have already been granted pre-arrest bail by various orders passed by this Court.

5. Regard being had to the submissions made on behalf of the parties and the allegations made in the first information report, the impugned order dated 27.10.2018 passed in A.B.P. No.1626 of 2018 by the learned 1st Additional Sessions Judge, Bhojpur whereby he has rejected the application for grant of pre-arrest bail of the appellant in Bhojpur (SC/ST) P. S. Case No.40 of 2015 is set aside. The appellant is directed to be



released in the event of his arrest or surrender within four weeks from today on furnishing bail bond of Rs.5,000/- (five thousand) with two sureties of the like amount each to the satisfaction of the learned 1st Additional Sessions Judge, Bhojpur in connection with Bhojpur (Sadar) SC/ST P. S. Case No.40 of 2015.

6. The appeal stands allowed.

(Ashwani Kumar Singh, J)

Vikash/-

AFR/NAFR	NAFR
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