

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3162 of 2019

Arising Out of PS. Case No.-46 Year-2017 Thana- SC/ST BETTIAH District- West
Champaran

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Awdhesh Tiwari Son of Sri Kailash Tiwari Resident of Village - Patbandhi,
Tiwari Tola, P.S.- Majhauria, Dist.- West Champaran.

... .. Appellant.

Versus

The State of Bihar.

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Umesh Chandra Verma, Advocate. Mrs. Rashmi Jha, Advocate.
For the Respondent/s	:	Mrs. Usha Kumari-1, Special P.P.

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

ORAL ORDER

3 03-09-2019 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 in short referred to as the
'SC/ST Act') against the refusal of prayer of anticipatory bail
vide order dated 14.06.2019 passed by learned 1st Additional
Sessions Judge cum Special Judge SC/ST Act, West
Champaran at Bettiah in connection with Bettiah Sadar
SC/ST P.S. Case No. 46 of 2017 registered under Sections
341. 323. 379 & 506/34 of the Indian Penal Code and Section
3(1) (r) & 3 (2) (va) of the Scheduled Castes and Scheduled
Tribes (Prevention of Atrocities) Act.



During the course of regressing to his house by the informant along with his wife, the appellant intercepted them and slated them in the name of caste over depositing against him in a case lodged by his brother. He also assaulted them and extended threatening of dire consequence and damaged their belongings.

It is submitted by learned counsel for the appellant that no such occurrence as alleged ever took place. He has no concern with the aforesaid occurrence. He has been falsely implicated in this case due to land dispute. As a matter of fact, there is a dispute of partition between the co-accused Kameshwar Mishra and cousin of his wife with respect to the land of her parental family and the appellant is the brother-in-law of co-accused Kameshwar Mishra and the cousin of the wife of the co-accused Kameshwar Mishra had got this case lodged against the appellant and said Kameshwar Mishra through the informant to harass them. The allegation levelled against the appellant is not specific rather general and omnibus in nature. None has sustained injury in the occurrence. There is inordinate and abnormal delay of 12 days in lodging the FIR without assigning any plausible reason for the said delay which creates serious



doubt about the prosecution case. After investigation of the case, I.O. has submitted final form against the appellant. Appellant has 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 appellant, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on bail 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 Act, West Champaran at Bettiah in connection with Bettiah Sadar SC/ST P.S. Case No. 46 of 2017, 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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