

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3344 of 2019

Arising Out of PS. Case No.-167 Year-2013 Thana- CHARPOKHARI District- Bhojpur

MATUK TIWARI @ MATUK TIWARY (male), aged about 35 years, Son of Triveni Tiwari Resident of Village - Manjhiawan, P.S.- Charpokhari, Distt - Bhojpur.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Manish Kumar No2, Advocate
For the Respondent/s : Mr.

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 16-11-2019 Heard learned counsel for the appellant. No one appears on behalf of the State to oppose this appeal.

Petitioner, in the present appeal, is challenging the order dated 11.07.2019 passed in A.B.P. No. 1244 of 2019 (SC/ST Case No. 307/2018) arising out of Charpokhari P.S. Case No. 167 of 2013 registered under Section 3(i)(x) of the Scheduled Caste/Scheduled Tribe (Prevention of Atrocities) Act, 1989 as also under Section 341, 429, 504 and 506 of the Indian Penal Code.

By the impugned order the prayer for anticipatory bail of the appellant has been rejected by the learned Additional District and Sessions Judge – 1st, Bhojpur, Ara. Learned counsel for the appellant submits that from bare reading of the First



Information Report it will appear that the informant has alleged that this appellant had killed the she-goat of the informant and when the informant went there and questioned the appellant, this appellant abused him by taking name of his caste.

Learned counsel submits that it is a case of false prosecution inasmuch as it will appear that the informant has called this appellant an influential person in the village and while alleging that this appellant abused the informant, he has not stated that such abuse was given by this appellant in presence of any independent witnesses. Learned counsel submits that the appellant had complied with the notice issued by the police under Section 41(1) of the Cr.P.C. in course of investigation and had always cooperated in course of investigation.

In the given facts and circumstances of the case where this court finds that the appellant had appeared before the Investigating Officer in course of investigation and had cooperated in course thereof as also that the case is that of the year 2013 and it has been submitted before this court that till date no cognizance has been taken by the court below, let the appellant namely, Matuk tiwari @ Matuk Tiwary, in the event of his arrest/surrender before the court below within a period of



four weeks from today, be enlarged on bail furnishing bail bond of Rs. 15,000/- (Rupees Fifteen Thousand only) with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions Judge – 1st, Bhojpur, Ara, in connection with (SC/ST Case No. 307/2018) arising out of Charpokhari P.S. Case No. 167 of 2013, subject to the condition prescribed under Section 438(2) of the Code of Criminal Procedure.

(Rajeev Ranjan Prasad, J)

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