

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.4300 of 2018

Arising Out of PS. Case No.-135 Year-2017 Thana- CHENARI District- Rohtas

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1. Lal Mohan Tiwari, Son of Late Nachku Tiwari,
 2. Hari Tiwari @ Hari Shankar Tiwari.
 3. Kesho Tiwari @ Kesho Murat Tiwari @ Keshav Tiwari, Both sons of Late Jagat Tiwari,
- All resident of Village- Umaon, P.S.- Chenari, Dist.- Rohtas.

... .. Appellant/s

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Nagendra Kumar
For the Respondent/s : Mr.Sri Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 02-01-2019 This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 against the refusal of prayer of anticipatory bail dated 20.09.2018 passed by the 1st Addl. Sessions Judge -cum-Spl. Court of SC/ST, Rohtas at Sasaram in Registered Case No. 534 of 2017 arising out of Chenari P.S.Case No. 135 of 2017 registered under Sections 147, 148,149, 307,323, 325, 341, 342, 379, 448, 504 and 506/34 of the Indian penal Code and Sections 3(i)(r)(f)W(i) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 .

At the very outset, it has been submitted that appellant no. 2 has already been arrested, in such view of the matter, this



appeal against appellant no. 2 is dismissed as withdrawn.

Allegation against the appellants and other accused persons is that they entering inside the house of the informant assaulted him, misbehaved with the women members and also threatened of dire consequences.

Submission of learned counsel for the appellants is that no specific allegation has been attributed against any of the appellants and several accused persons have been granted privilege of anticipatory bail by co-ordinate Bench of this Court vide order dated 05.07.2018 passed in Cr. App. (SJ) No. 1353 of 2018 and vide order dated 10.07.2018 passed in Cr. App. (SJ) No. 1378 of 2018.

Heard learned Spl. P.P also.

Having heard both sides and in view of the facts and circumstances, as stated above, let the appellant nos. 1 and 3, abovenamed, in the event of arrest or surrender before the court below within a period of six weeks from the date of receipt/production of a copy of this order, be released on bail upon furnishing bail bond of Rs. 25,000/- (Rupees twenty five thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional District & Sessions Judge 1st, Rohtas at Sasaram in connection with Registered Case No.



534 of 2017 arising out of Chenari P.S. Case No. 135 of 2017; subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure with further condition that appellants shall co-operate in the investigation and make themselves available as and when required by the police and on the event of failure on their part to appear before the police on two consecutive dates without showing any genuine reasons, the prosecution is free to move for cancellation of their bail bonds.

Accordingly, the appeal is disposed of and the impugned order is set aside.

(Vinod Kumar Sinha, J)

sujit/-

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