

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1781 of 2020

Arising Out of PS. Case No.-154 Year-2020 Thana- SAHPUR District- Bhojpur

PRAHLAD TIWARI Son of Shivji Tiwari Resident of Village- Bariswan,
Police Station- Shahpur, District- Bhojpur.

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Ramashray Roy

For the Respondent/s : Mr. Vinay Krishna, Special P.P.

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 27-11-2020 The present petition has been taken up for consideration through the mode of Video conferencing in view of the prevailing situation on account of COVID 19 Pandemic, requiring social distancing.

Heard the learned counsel appearing for the appellant and Shri Vinay Krishna, learned Special P.P. for the State.

This is an appeal under Section 14A(2) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989 against the order dated 29.06.2020 passed by the 1st Additional Sessions Judge, Bhojpur at Ara in Anticipatory Bail Petition No. 769 of 2020 arising out of Shahpur P.S. Case No. 154 of 2020, SC/ST Case No. 120 of 2020 registered under Sections 341, 323, 324, 325, 307, 504/34 of the Indian Penal Code and Sections 3(i) (r), 3(2)(v) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, whereby and whereunder the



prayer of the appellant for grant of anticipatory bail has been refused.

The accused persons including the appellant herein are alleged to have arrived at the house of the informant and are alleged to have engaged in breaking the house of the informant and upon protest being made they started abusing and assaulting the informant.

The learned counsel for the appellant has submitted that the appellant is innocent, has been falsely implicated in the present case and he is having a clean antecedent. The learned counsel for the appellant has further submitted that as far as the appellant herein is concerned, there is no allegation of him having abused the informant by taking his caste name, hence no case is made out under the provisions of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989. It is further submitted that the present case arises out of case and counter case.

Per contra, the learned Special P.P. for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions and taking into account the fact that there is no allegation as against the appellant herein of having abused the informant by taking his caste name and moreover, a



general and omnibus allegation has been levelled against the appellant herein, I deem it fit and proper to admit the appellant to the privilege of anticipatory bail.

Accordingly, the appellant, above named, is directed to be released on anticipatory bail in the event of his arrest/surrender before the court below within a period of four weeks from today on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned 1st Additional Sessions Judge, Bhojpur at Ara in connection with SC/ST Case No. 120 of 2020 arising out of Shahpur P.S. Case No. 154 of 2020 subject to the conditions as stipulated under Section 438(2) of the Code of Criminal Procedure.

Consequently the impugned order dated 29.06.2020 passed by the 1st Additional Sessions Judge, Bhojpur at Ara in Anticipatory Bail Petition No. 769 of 2020 arising out of Shahpur P.S. Case No. 154 of 2020, SC/ST Case No. 120 of 2020, is set aside.

The Appeal stands allowed.

(Mohit Kumar Shah, J)

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