

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3256 of 2019

Arising Out of PS. Case No.-35 Year-2019 Thana- HARSIDHI District- East Champaran

MANU TIWARI@ BHANU TIWARI, aged about 20 years (M), Son of Vinod Tiwari @ Binod Tiwari, Resident of Village - Vishunpura, P.S.- Harsidhi, Dist.- East Champaran.

... .. Appellant

Versus

The State of Bihar

... .. Respondent

Appearance :

For the Appellant : Mr.Umesh Chandra Verma, Advocate.
For the Respondent : Mr.Sadanand Paswan, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

8 25-11-2020 Due to COVID-19 Pandemic, the matter is being taken up by way of virtual Court proceeding.

The matter has been listed under the heading ‘For Orders’ under the orders of Hon’ble the Chief Justice.

Heard learned counsel for the parties.

The matter relates to grant of anticipatory bail to the appellant in connection with Harsidhi P.S. Case No. 35 of 2019, registered for the offences under Sections 448, 341, 323, 379, 504/34 of the I.P.C. and Sections 3 (1) (i), (r) (s) of the SC/ST (Prevention of Atrocities) Act.

The prosecution case, in short, is that on 20.01.2019 at about 8.00 A.M., while the informant was sitting at his door, in the meantime, all accused persons including the appellant



came at his door and started abusing and said to remove the house. Then all accused persons assaulted him. Vinod Tiwari abused him by calling his caste name and ordered to kill him. Then the appellant Bhanu Tiwari assaulted him by means of rod, as a result of which, he fell down, then Vinod Tiwari assaulted him by means of leg and fat. When his wife came to rescue him, Mantu Tiwari assaulted her by means of rod, and Vinod Tiwari dragged her, as a result of which, she became naked. Thereafter, this appellant Bhanu Tiwari assaulted her by means of leg and fat and snatched gold chain from her neck. They were admitted in Sadar Hospital, Motihari.

It has been submitted on behalf of the appellant that the appellant has got no criminal antecedent. He has falsely been implicated in the present case. There is no allegation of tampering with the witnesses alleged against the appellant. Nature of injury is said to be simple. The alleged occurrence has not taken place within public view. Hence, no offence under SC/ST Act is made out in the present case.

On behalf of the State, it is submitted that the appellant is named in the F.I.R.

In view of the aforesaid facts and circumstances, the order dated 12.06.2019, passed by learned Ist Additional



Sessions Judge-cum-Special Judge, SC/ST (POA) Act, East Champaran, Motihari, in A.B.P. No. 1028 of 2019, arising out of Harsidhi P.S. Case No. 35 of 2019, is set aside. The criminal appeal is allowed.

Accordingly, the appellant, above named, in the event of arrest or surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Ist Additional Sessions Judge-cum-Special Judge, SC/ST (POA) Act, East Champaran, Motihari, in connection with Harsidhi P.S. Case No. 35 of 2019.

(Sudhir Singh, J)

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