

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1377 of 2021

Arising Out of PS. Case No.-370 Year-2020 Thana- TARAIIYA District- Saran

1. SURESH TIWARI Son of Late Ramanand Tiwari Resident of Village - Dewariya, P.S. - Taraiya, District - Saran.
2. Ravi Tiwari Son of Bikrama Tiwari Resident of Village - Dewariya, P.S. - Taraiya, District - Saran.
3. Vicky Tiwari Son of Bikrama Tiwari Resident of Village - Dewariya, P.S. - Taraiya, District - Saran.
4. Sonu Tiwari Son of Bikrama Tiwari Resident of Village - Dewariya, P.S. - Taraiya, District - Saran.
5. Monu Tiwari Son of Bikrama Tiwari Resident of Village - Dewariya, P.S. - Taraiya, District - Saran.
6. Vikash Tiwari @ Vikesh Tiwari Son of Suresh Tiwari Resident of Village - Dewariya, P.S. - Taraiya, District - Saran.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Sanjay Kumar Singh
For the Respondent/s : Mr. Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 05-03-2021 Heard through virtual mode.

Learned counsel for the appellants seeks permission of the Court to withdraw this appeal in respect of appellant nos. 2 and 3 as they have been taken into judicial custody and as such the appeal has become infructuous.

Permission is accorded.

The appeal in respect of appellant nos. 2 and 3 is dismissed as withdrawn.



Heard learned counsel for the appellant nos. 1, 4, 5 and 6 and learned Spl. P.P. for the State.

The appellant nos. 1, 4, 5 and 6 have challenged the order dated 02.01.2021 passed by learned 1st Additional Sessions Judge-cum- Special Judge, SC/ST (Prevention of Atrocities) Act, Saran at Chapra in ABP No. 3281 of 2020 in connection with Taraiya P.S. Case No. 370/2020 registered for the offences under sections 341, 323, 324, 307, 504, 379/34 of the Indian Penal Code and 3(1)(r)(s) of the SC/ST (Prevention of Atrocities) Act whereby the prayer made on behalf of the appellant nos. 1, 4, 5 and 6 for grant of anticipatory bail has been rejected.

Prosecution allegation, in short, is that the accused persons variously armed came to the house of the informant and started abusing mother of the informant and on protest assaulted the mother of the informant due to which she sustained injuries.

It has been submitted on behalf of the appellants that appellant nos. 1, 4, 5 and 6 have got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the appellant nos. 1, 4, 5 and 6. The appellant nos. 1, 4, 5 and 6 have falsely been implicated in the present case. General and omnibus allegation has been made against appellant nos. 1, 4,



5 and 6. No specific overt act is alleged against appellant nos. 1, 4, 5 and 6. There is a case and counter case between the parties. No occurrence is said to have taken place within public view. Hence, no offence under SC/ST Act is made out in the present case. It is further submitted that the informant of the case has filed an application in the Court below in which he has retracted from the earlier statement made in the F.I.R.

On behalf of the State, it is submitted that the appellant nos. 1, 4, 5 and 6 are named in the F.I.R.

Considering the aforesaid facts and circumstances, this Court is inclined to set aside the order dated 02.01.2021 passed by learned 1st Additional Sessions Judge-cum- Special Judge, SC/ST (Prevention of Atrocities) Act, Saran at Chapra in ABP No. 3281 of 2020 by which the anticipatory bail of the appellant nos. 1, 4, 5 and 6 was rejected.

The appeal stands allowed with regard to appellant nos. 1, 4, 5 and 6 only.

Let the appellant nos. 1, 4, 5 and 6 above named, in the event of arrest/surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the



satisfaction of learned 1st Additional Sessions Judge-cum-Special Judge, SC/ST (Prevention of Atrocities) Act, Saran at Chapra in connection with Taraiya P.S. Case No. 370/2020.

(Sudhir Singh, J)

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