

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1739 of 2021

Arising Out of PS. Case No.-232 Year-2020 Thana- KOPA District- Saran

1. MANOJ TIWARI @ V.I.P. TIWARI Son of Late Dineshwar Tiwari Resident of Village- Near Kopa Nahar, P.S.- Kopa, District- Saran.
2. Chandan Tiwari Son of Kunkun Tiwari @ Tuntun Tiwari Resident of Village- Near Kopa Nahar, P.S.- Kopa, District- Saran.
3. Bipin Tiwari @ Vipin Mishra Son of Late Motilal Mishra Resident of Village- Near Kopa Nahar, P.S.- Kopa, District- Saran.

... .. Appellant/s

Versus

The State of Bihar Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Dr. Rajesh Kumar Singh, Advocate
For the Respondent/s : Mr. Sadanand Paswan, Spl. PP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 12-08-2021 Heard Mr. Dr. Rajesh Kumar Singh, learned counsel for the appellants and Mr. Sadanand Paswan, learned Spl. PP for the State.

The appellants have challenged the order dated 28.01.2021 passed by the learned Ist Additional Sessions Judge-cum-Special Judge, SC/ST (POA) Act, Saran at Chapra in A.B.P. No. 3307 of 2020 arising out of Kopa P.S. Case No. 232 of 2020, whereby the prayer made on behalf of the appellants for grant of pre-arrest bail for the offences under Sections 341, 323, 504, 337 and 34 of the Indian Penal Code and Sections 3(i)(r)(s) of the SC/ST (Prevention of Atrocities) Act has been rejected.



It has been alleged in the FIR that the informant and her husband were both assaulted and abused because her husband had reasoned out with the appellants for not displaying bad behaviour and creating nuisance in the locality.

Learned counsel for the appellants has submitted that an absolutely false case has been lodged against them. The wife of one of the appellants has also filed a case against the informant and her husband. The cause of dispute is something else but the subject FIR has been lodged with the allegation involving SC/ST (Prevention of Atrocities) Act only for the purposes of giving a serious colour to the case.

Regard being had to the nature of accusation and relying on the argument of the learned counsel for the appellants that assuming but not admitting the accusation in the FIR to be true, no offence under SC/ST (Prevention of Atrocities) Act can at all be said to have been made out against the appellants, the order impugned dated 28.01.2021 is set aside.

The appeal stands allowed.

On the appellants surrendering before the court below within a period of eight weeks, they shall be released on bail on their furnishing bail bonds in the sum of Rs. 10,000/- (Ten Thousand) each with two sureties



of the like amount each to the satisfaction of the learned
Ist Additional Sessions Judge-cum-Special Judge, SC/ST
(POA) Act, Saran at Chapra in A.B.P. No. 3307 of 2020
arising out of Kopa P.S. Case No. 232 of 2020.

(Ashutosh Kumar, J)

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