

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2014 of 2021

Arising Out of PS. Case No.-391 Year-2020 Thana- KATEYA District- Gopalganj

1. RAM HRIDYA TIWARY @ RAMHIRDAYA TIWARI, SON OF LATE THAKUR TIWARY RESIDENT OF VILLAGE- KARKATAHAN, P.O.- BELHI, P.S.- KATEYA, DISTRICT-GOPALGANJ
2. KAMLESHWAR TIWARY, SON OF LATE THAKUR TIWARY RESIDENT OF VILLAGE- KARKATAHAN, P.O.- BELHI, P.S.- KATEYA, DISTRICT- GOPALGANJ
3. SRIRAM TIWARY @ SRI RAM TIWARI, SON OF LATE THAKUR TIWARY RESIDENT OF VILLAGE- KARKATAHAN, P.O.- BELHI, P.S.- KATEYA, DISTRICT- GOPALGANJ

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Sanjay Kumar Pandey No.5
For the Respondent/s : Mr.Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 13-08-2021 Heard Mr. Sanjay Kumar Pandey No. 5, learned Advocate for the appellants and Mr. Sadanand Paswan, learned Special Public Prosecutor for the State.

The appellants, who are brothers amongst themselves, have challenged the order dated 29.01.2021, passed by the learned Additional District and Sessions Judge I cum Special Judge, Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, Gopalganj, in A.B.P. No. 2068 of 2020, arising out



of Kateya P. S. Case No. 391 of 2020, whereby the prayer made on behalf of the appellants for grant of anticipatory bail for the offences punishable under Sections 341, 323, 324, 325 and 504 of the Indian Penal Code and Section 3 (1) (r) (s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 has been rejected.

The appellants are said to have abused the informant and others and also assaulted them.

The learned counsel for the appellants has submitted that from the narration made in the F.I.R. itself, it would appear that there is a dispute post-hustings and only because the parties are supporters of the opposite camp, this case has been filed.

The F.I.R. is said to have been lodged after a delay of about eight days.

There is a counter version of the occurrence also *vide* Kateya P. S. Case No. 386 of 2020 in which case, the appellant nos. 1 and 3 had sustained injuries.



Regard being had to the afore-stated facts, it has been argued that it can safely be inferred that the offences under the Scheduled Tribes (Prevention of Atrocities) Act, 1989 can not at all be said to have been made out.

For the afore-stated reasons, the order dated 29.01.2021, passed by the learned Additional District and Sessions Judge I cum Special Judge, Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, Gopalganj, is set aside.

The appeal stands allowed.

The appellants, above-named, are directed to be released on bail, in the event of their arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, 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 Additional District and Sessions Judge I cum Special



Judge, Scheduled Castes and Scheduled Tribes
(Prevention of Atrocities) Act, Gopalganj, in connection
with Kateya P. S. Case No. 391 of 2020, subject to the
conditions as laid down under Section 438 (2) Cr.P.C.

(Ashutosh Kumar, J)

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