

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1155 of 2020

Arising Out of PS. Case No.-283 Year-2018 Thana- AGAMKUAN District- Patna

1. SUNIL KUMAR TIWARY @ SUNIL TIWARY Son of Late Rameshwar Tiwary Resident of Village - Kalyani Co-operative Colony, Beur, P.S.- Agamkuan, District - Patna.
2. Neelam Kumari Wife of Sunil Tiwary @ Sunil Kumar Tiwary Resident of Village - Kalyani Co-operative Colony, Beur, P.S.- Agamkuan, District - Patna.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Manish Kumar No2
For the Respondent/s : Mrs.Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 20-02-2021 Heard learned counsel for the appellants and learned
Special P.P. for the State.

The earlier appeal of the appellants was dismissed as withdrawn vide Annexure 1 to the present appeal with an observation by a co-ordinate Bench of this Court that the said withdrawal may not be treated as tied up matter.

The appellants have preferred a fresh bail application in the court below and the present appeal has been filed against the said order of the court below.

The matter relates to grant of anticipatory bail to the appellants in connection with a case registered for the offences under Sections 341, 323, 504/34 of the Indian Penal Code and



Sections 3(i)(x) of the SC/ST (Prevention of Atrocities) Act, 1989.

The prosecution case, in short is that the appellant No.1 assaulted the informant by means of fists and slaps and appellant No.2 abused the informant by taking his caste name.

It has been submitted on behalf of the appellants that the appellants have got no criminal antecedent and there is no allegation of tampering of witnesses alleged against the appellants. The appellants have falsely been implicated in the present case. Due to a petty dispute the alleged occurrence is said to have taken place. Free fight is alleged to have taken place between the parties. The alleged occurrence has not taken place within public view. Hence no offence under the SC/ST Act is attracted in the present case.

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

In view of the aforesaid facts and circumstances, the order dated 05.02.2020, passed by the learned Additional District and Sessions Judge VIII-cum-Special Judge, SC/ST (Prevention of Atrocities) Act, Patna vide A.B.P. No.891 of 2020 in connection with Agamkuan P.S. case No.283 of 2018, is set aside. The criminal appeal is allowed.



Accordingly, the appellants, 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) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge VIII-cum-Special Judge, SC/ST (Prevention of Atrocities) Act, Patna in connection with Agamkuan P.S. case No.283 of 2018.

(Sudhir Singh, J)

Narendra/-

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