

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2520 of 2021**

Arising Out of PS. Case No.-79 Year-2020 Thana- DARIHAT District- Rohtas

JYOTI TIWARI @ JYOTI KUMAR TIWARI SON OF NAGESHWAR
TIWARI Resident of Village - Paduhar, P.S.- Darihat, Dist.- Rohtas.

... .. Appellant/s

Versus

THE STATE OF BIHAR Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Ajay Kumar Tiwari, Advocate
For the Respondent/s : Ms. Usha Kumari-1, Spl. PP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 16-07-2021 Heard Mr. Ajay Kumar Tiwari, learned counsel
for the appellant and Ms. Usha Kumari-1, learned Spl.
PP for the State.

The appellant has challenged the order dated 23.02.2021 passed by the learned 1st Additional District and Sessions Judge, Rohtas at Sasaram in Regd. Case No. 171 of 2020 arising out of Darihat P.S. Case No. 79 of 2020, whereby the prayer made on behalf of the appellant for grant of pre-arrest bail for the offences under Sections 341, 323, 325, 504, 506 and 379 of the Indian Penal Code and Sections 3(i)(R)(S) of the SC/ST Act has been rejected.

It has been alleged in the FIR that while the informant was conducting his business at his betel shop, the appellant came and started abusing him. He is also alleged to have taken away the gold chain and Rs.



5000/- from the person of the informant.

Learned counsel for the appellant has submitted that an absolutely false case has been lodged. The appellant is one of the customers of the informant and only when he protested against the bad quality of betel, this occurrence has taken place. The accusation involving the SC/ST (Prevention of Atrocities) Act, it has been argued, is only for the purposes of preventing the appellant from taking advantage of the provision of anticipatory bail.

For the reasons aforesaid, the order dated 23.02.2021 is set aside.

The appeal stands allowed.

On the appellant surrendering before the court below within a period of eight weeks, he shall be released on bail on his furnishing bail bonds in the sum of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned 1st Additional District and Sessions Judge, Rohtas at Sasaram in Regd. Case No. 171 of 2020 arising out of Darihat P.S. Case No. 79 of 2020.

(Ashutosh Kumar, J)

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