

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3482 of 2021**

Arising Out of PS. Case No.-132 Year-2021 Thana- SHIVSAGAR District- Rohtas

1. Guddu Tiwary @ Niraj Tiwary S/O Avadhavihari Tiwary
2. Dhiraj Tiwary S/o Avadhavihari Tiwary both R/o village- Semri Nagi, P.S.- Sheosagar (Baddi, O.P), District- Rohtas, Bihar, PIN- 821113

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

with

CRIMINAL APPEAL (SJ) No. 3544 of 2021

Arising Out of PS. Case No.-132 Year-2021 Thana- SHIVSAGAR District- Rohtas

Shubham Kumar Pandey S/o Bikrama Pandey Resident of Village- Nagi Semari, P.S.- Sheosagar (Buddi), District- Rohtas.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

(In CRIMINAL APPEAL (SJ) No. 3482 of 2021)

For the Appellant/s : Mr.Ramchandra Singh, Adv.

For the Respondent/s : Mr.Usha Kumari 1, Special P.P.

(In CRIMINAL APPEAL (SJ) No. 3544 of 2021)

For the Appellant/s : Mr.Ranjeet Kumar Singh, Adv.

For the Respondent/s : Mr.Binay Krishna, Special P.P.

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER**

3 01-12-2021 Heard learned counsel for the appellants and learned
Special Public Prosecutor for the State.

These are appeals under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter in short referred to as the 'SC/ST Act') against the refusal of prayer of bail vide order dated 29.07.2021 passed by learned 1st Additional Sessions



Judge-cum-Special Judge, Rohtas at Sasaram in connection with Sheosagar (Baddi) P.S. Case No. 132 of 2021 registered under Sections 302, 120B/34 of the Indian Penal Code and Sections 3 (2) (v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Allegation against the appellants is that they inflicted the injuries to son of the informant and they have thrown him. It is also alleged that during course of treatment son of the informant died.

It is submitted by learned counsel for the appellants that appellants are innocent and have been falsely implicated in this case. He submits that there is no eye witness to the said occurrence and only on suspicion, appellants have been made accused in the present case. He submits that appellants have neither abused the informant nor they have assaulted anybody as such, no offence under the provisions of SC/ST Act is made out against the appellants. He further submits that appellants bear no criminal antecedent as stated in para-3 of this petition and they are languishing in judicial custody since 26.05.2021 and 27.05.2021 respectively.

However, learned Spl. PP for the State and informant oppose the prayer for bail and submits that appellants



have been made accused in the present case on the basis of CDR location and they have committed heinous crime.

Considering the facts and circumstances of the case and the fact that appellants have been made accused on the basis of CDR location, the above named appellants, be enlarged on bail on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned 1st Additional Sessions Judge-cum-Special Judge, Rohtas at Sasaram in connection with Sheosagar (Baddi) P.S. Case No. 132 of 2021, subject to the conditions:

(1) that one of the bailors will be a close relative of the appellants, who will give an affidavit giving genealogy as to who he is related with the appellants. He will also undertake to inform the court if there is any change in the address of the appellants.

(II) that the appellants will be well represented on each and every date fixed in the case and if they fail to do so on two consecutive dates their bail bonds shall be liable to be cancelled.

(III) that the appellants will mark their attendance in the local police station in the first week of every month till



conclusion of trial, failing which the prosecution will be at liberty to move cancellation of their bail bond.

(IV) that the bailor shall also stated on affidavit that he will inform the Court concerned if the appellants are implicated in any other case of similar nature after their release in the present case and thereafter the Court below will be at liberty to initiate proceeding for cancellation of bail on the ground of misuse.

Accordingly, the impugned order is set aside and these appeals are allowed.

devendra/-

(Anjani Kumar Sharan, J)

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