

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3872 of 2021

Arising Out of PS. Case No.-77 Year-2021 Thana- DHANSOI District- Buxar

1. RAM PRAWESH TIWARI @ SUKHAL TIWARI Son of Late Kailash Tiwari Resident of Village- Matkipur, P.S.- Dhansoi, District- Buxar.
2. Manish Tiwari @ Dhanwantri Tiwari Son of Surendra Tiwari Resident of Village- Matkipur, P.S.- Dhansoi, District- Buxar.
3. Yogendra Tiwari Son of Late Uma Shankar Tiwari Resident of Village- Matkipur, P.S.- Dhansoi, District- Buxar.
4. Tej Pratap Tiwari Son of Late Kailash Tiwari Resident of Village- Matkipur, P.S.- Dhansoi, District- Buxar.
5. Rakesh Tiwari Son of Tej Pratap Tiwari Resident of Village- Matkipur, P.S.- Dhansoi, District- Buxar.
6. Vikash Tiwari Son of Tej Pratap Tiwari Resident of Village- Matkipur, P.S.- Dhansoi, District- Buxar.
7. Bhola Tiwari @ Rohit Tiwari Son of Ram Pravesh Tiwari Resident of Village- Matkipur, P.S.- Dhansoi, District- Buxar.
8. Rabindra Tiwari Son of Late Shivrang Tiwari Resident of Village- Matkipur, P.S.- Dhansoi, District- Buxar.
9. Sunil Tiwari Son of Rabindra Tiwari Resident of Village- Matkipur, P.S.- Dhansoi, District- Buxar.
10. Bhola Tiwari @ Anil Son of Rabindra Tiwari Resident of Village- Matkipur, P.S.- Dhansoi, District- Buxar.
11. Aryan @ Shashikant Tiwari @ Bhatoli @ Bhattoli son of Yogendra Tiwari Resident of Village- Matkipur, P.S.- Dhansoi, District- Buxar.

... .. Appellant/s

Versus

The State of Bihar Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Sanjay Kumar, Advocate

For the Respondent/s : Mr. Binay Krishna, Spl. PP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 08-10-2021 Heard Mr. Sanjay Kumar, learned counsel for the appellants and Mr. Binay Krishna, learned Spl. PP for the State.



Mr. Sanjay Kumar, learned Advocate for the appellants seeks permission to withdraw the application with respect to appellants no. 3, 6 and 8, who have been arrested during the pendency of this appeal.

The appeal with respect to appellants no. 3, 6 and 8 is therefore dismissed as having become infructuous.

The appellants no. 1, 2, 4, 5, 7, and 9 to 11 have challenged the order dated 03.08.2021 passed by the learned A.D.J. 1st -cum-Special Judge (SC/ST), Buxar in A.B.P. No. 621 of 2021 arising out of Dhansoi P.S. Case No. 77 of 2021, whereby the prayer made on behalf of the appellants for grant of pre-arrest bail for the offences under Sections 147, 149, 341, 323, 354(B), 504 and 506 of the Indian Penal Code and Sections 3(i)(r)(s), 3(ii)(va) of the SC/ST (Prevention of Atrocities) Act has been rejected.

The accusation in the FIR is that the members of the prosecution party were assaulted and abused by the appellants and others.

Learned Advocate for the appellants has submitted that an absolutely false case has been lodged against the appellants. In fact, there is a dispute between the parties with respect to registration of a plot of land, which has led to lodging of the subject FIR with



distorted accusations. From the reading of the FIR also, it would appear that there is some dispute over apportionment of crops on a land which was being tilled by the informant on share cropping basis.

Apart from this, learned Advocate for the appellants has brought on record the facts relating to Dhansoi P.S. Case No. 76 of 2021 which has been lodged against the prosecution party by appellant no. 2.

The sum and substance of the argument of the learned counsel for the appellants is that the allegation with respect to SC/ST (Prevention of Atrocities) Act is absolutely unwarranted and has been included in the list of charges only for the purposes of adding seriousness to the offence.

For the reasons aforesaid, the order dated 03.08.2021 so far as the appellants no. 1, 2, 4, 5, 7, and 9 to 11 are concerned, is set aside.

The appeal stands allowed.

On the appellants no. 1, 2, 4, 5, 7, and 9 to 11 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 A.D.J. 1st -cum-Special Judge (SC/ST), Buxar in A.B.P. No. 621 of 2021



arising out of Dhansoi P.S. Case No. 77 of 2021.

The application stands disposed off accordingly.

(Ashutosh Kumar, J)

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