

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1658 of 2021

Arising Out of PS. Case No.-176 Year-2020 Thana- KARAHGAR District- Rohtas

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1. Jai Prakash Tiwary Son Of Not Given R/O Village - Maniyari, P.S. Karaghar, District Rohtas.
 2. Ved Prakash Tiwary Son Of Jai Prakash Tiwary R/O Village - Maniyari, P.S. Karaghar, District Rohtas.
 3. Bitu Tiwary @ Manish Tiwary Son Of Jai Prakash Tiwary R/O Village - Maniyari, P.S. Karaghar, District Rohtas.
 4. Ankit Tiwary Son Of Om Prakash Tiwari R/O Village - Maniyari, P.S. Karaghar, District Rohtas.

... .. Appellant/s

Versus

1. THE STATE OF BIHAR.
2. Kusha Azad JagJiwan Ram Resident of Village-Maniyari, P.O.-Badaki Kharari, P.S.-Kargahar, District- Rohtas

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Kamla Kant Pandey
For the Respondent/s : Mr. Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 05-07-2022 Heard learned counsel for the appellants and learned
Special Public Prosecutor for the State.

By order dated 11.04.2022, notice was issued to respondent no.2. The office points out that the notice has been received by the wife of respondent no.2, but today nobody appears on behalf of respondent no.2.

This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as 'the SC/ST Act')



against the refusal of prayer of anticipatory bail vide order dated 26.11.2020, passed by learned 1st Additional District & Sessions Judge, Sasaram, Rohtas in connection with Karaghar P.S. Case No.176 of 2020, registered under Sections 341, 323, 307 and 504 of the Indian Penal Code and Sections 3(i)(r)(s) of the SC/ST Act.

The appellants are said to have come at the door of the informant variously armed with farsa and spade and started abusing the informant by naming his caste. Appellant No.1, Jai Prakash Tiwary assaulted the informant on his head by means of butt of a rifle causing injury on his head. Appellants No.2 and 4 are said to have assaulted the wife of the informant by means of spade and farsa causing head injury.

Learned counsel for the appellants submits that the appellants are innocent and have falsely been implicated in the present case. There is case and counter case between the parties and both sides sustained injuries. The injuries are simple in nature. It is further submitted that the allegation is of abusing the informant by naming his caste, but the occurrence took place in the house and not in public view.

Learned Special P.P. for the State opposed the prayer for anticipatory bail of the appellants.



Having considered the facts that both sides sustained injuries and the injuries are simple in nature, let appellants, above named, in the event of their arrest or surrender before the learned court below within a period of six weeks from today, be released on bail on furnishing bail bonds of Rs.25,000/- (rupees twenty five thousand) each with two sureties of the like amount each to the satisfaction of learned 1st Additional District & Sessions Judge, Sasaram, Rohtas in connection with Karaghar P.S. Case No.176 of 2020, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

Accordingly, the impugned order is set aside and this appeal is allowed.

(Anjani Kumar Sharan, J)

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