

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.785 of 2022

Arising Out of PS. Case No.-395 Year-2021 Thana- PARSA District- Saran

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1. Krishna Kumar @ Krishna Tiwari Son of Ram Das Tiwari @ Ramadasji Resident of Village- Baksanda, P.S.- Parsa, District- Saran.
 2. Abhimanyu Kumar @ Abhimanyu Tiwari Son of Ram Das Tiwari @ Ramadasji Resident of Village- Baksanda, P.S.- Parsa, District- Saran.
 3. Prakash Kumar @ Prakash Kumar Tiwari Son of Ram Das Tiwari @ Ramadasji Resident of Village- Baksanda, P.S.- Parsa, District- Saran.
 4. Hira Kumar @ Vikas Kumar @ Hitta Rai Son of Vishwanath Rai Resident of Village- Baksanda, P.S.- Parsa, District- Saran.

... .. Appellant/s

Versus

1. The State of Bihar
2. Dev Das Ram Son of Late Mishri Ram Resident of Village- Baksanda, P.S.- Parsa, District- Saran.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Vijay Kumar Srivastva
For the Respondent/s	:	Ms.Usha Kumari 1
		Mr. Binod Kumar Pandey
		Mr. Ajay Kumar

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 17-08-2022 Heard learned counsel for the appellants, counsel for informant and learned Special Public Prosecutor for the State.

The present memo of appeal has been filed on behalf of the appellants for grant of anticipatory bail against the order dated 17.01.2020 passed by learned 3rd Additional Sessions Judge-cum-Special Judge (SC/ST Act), Saran at Chapra in connection with Parsa P.S. Case No. 395 of 2021 under Sections 341, 323, 325, 307, 504, 506/34 of the Indian Penal Code and



section 3(i)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, whereby the prayer for anticipatory bail of the appellants was rejected.

Prosecution case in brief is that on the eve of Chhath Puja altercation took place. Appellant no. 2 hit on the head of informant by means of iron rod. When the family members of informant came to rescue they were also assaulted by the accused persons.

It is submitted on behalf of the appellants have been falsely implicated in this case due to land dispute between the parties. Allegation of abusing by caste name is only with a view to humiliate the appellants and no case under SC/ST Act is made out, as the occurrence has not taken place within public view. Injuries sustained by the injured found to be simple in nature.

Counsel for informant however vehemently opposed the prayer for bail and submitted that appellants are named in the FIR and they assaulted the informant by means of iron rod on his head, as a result of which he sustained head injury and also abused by taking caste name.

Considering the aforesaid facts, this appeal is allowed. The impugned order dated 17.01.2020 passed by learned 3rd Additional Sessions Judge-cum-Special Judge (SC/ST Act),



Saran at Chapra is set aside.

Let the appellants above-named, in the event of their arrest/surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned 3rd Additional Sessions Judge-cum-Special Judge (SC/ST Act), Saran at Chapra in connection with Parsa P.S. Case No. 395 of 2021.

(Prabhat Kumar Singh, J)

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