

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2636 of 2021

Arising Out of PS. Case No.-54 Year-2020 Thana- SC/ST District- Rohtas

-
1. Rajeshwar Tiwari @ Bablu Tiwari Son Of Sri Bhagwan Tiwari Resident Of Village - Gharwasdih, P.S.- Kachchawan, District - Rohtas.
 2. Sri Bhagwan Tiwari Son Of Late Mahadeo Tiwari Resident Of Village - Gharwasdih, P.S.- Kachchawan, District - Rohtas.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Om Prakash Upadhyay
For the Respondent/s : Mrs. Usha Kumari

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 25-04-2022 Heard learned counsel for the parties.

This is an appeal under section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, (hereinafter in short referred to as the 'SC/ST Act') against the refusal of prayer for bail vide order dated 21.12.2020, passed by learned 1st Additional District and Sessions Judge-cum-Special Judge, Rohtas at Sasaram in connection with SC/ST Dehri P.S. Case No. 54 of 2020, registered under Sections 341, 323, 379, 504/34 of the IPC and Sections 3 (i) (r) (s) of the SC/ST Act.

Appellants are said to have abused and assaulted the informant with fists and slaps. They also snatched Rs. 5000/- from his packet.

It is submitted by learned counsel for the appellants that



the appellants are innocent and have been falsely implicated in this case due to land dispute. He submits that there is general and omnibus allegation levelled against the appellants. He submits that the informant in retaliation of FIR No. 19 of 2020 has lodged the present false case. He submits that occurrence is said to have taken place out of Rasta (path) dispute. He further submits that appellants have no criminal antecedent as stated in para-3 of this appeal.

Learned Spl. PP for the State and informant oppose the prayer for bail and submit that there is specific allegation against the appellants to abuse the informant by taking caste name.

Considering the facts and circumstances of the case, the above named appellants, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, 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 District and Sessions Judge-cum-Special Judge, Rohtas at Sasaram in connection with SC/ST Dehri P.S. Case No. 54 of 2020, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.



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

(Anjani Kumar Sharan, J)

devendra/-

U		T	
---	--	---	--

