

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1605 of 2022

Arising Out of PS. Case No.-84 Year-2021 Thana- PIRPAINTI District- Bhagalpur

=====

MUKESH TIWARI @ GANDHI TIWARI @ MUKESH BIHARI TIWARI
Son of Late Mahendra Nath Tiwari Resident of Village - Bakharpur, P.S.-
Pirpanti (Bakharpur), District - Bhagalpur.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

=====

Appearance :

For the Appellant/s : Mr.Rajesh Kumar, Adv.

For the Respondent/s : Mr.Sadanand Paswan, Spl.P.P.

=====

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 04-08-2022 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

The F.I.R. has been lodged by a police official, who is represented by the State, therefore, no notice is required to be issued upon the informant.

This is an appeal under section 14(A) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015 (hereinafter in short referred to as the 'SC/ST Act') against the refusal of prayer for anticipatory bail vide order dated 09.02.2022, passed by learned Additional Sessions Judge-III-cum- Special Judge, SC/ST Act, Bhagalpur, in connection with Special SC/ST Case No.57 of 2021, arising out of Pirpanti (Bakharpur) P.S. Case No.84 of 2021, registered



under sections 147, 148, 149, 341, 323, 332, 333, 353, 307, 504 of the IPC and sections 3(i)(r)(s) (va) of the SC/ST Act.

Allegedly, when the informant went to apprehend one accused Rakesh Tiwari, all the FIR named accused persons including the appellant armed variously came there and abused the informant by taking his caste name and attacked the police party with an intention to kill them. Thereafter, they took Rakesh Tiwari from the grip of the police.

It is submitted by learned counsel for the appellant that the appellant is innocent and has not committed any offence. No such occurrence as alleged ever taken place. Appellant has been falsely implicated in the case with frivolous allegation. It is submitted that no offence under the SC/ST Act is made out against the appellant as there is no specific allegation against him to abuse the informant by taking caste name. It is submitted that the appellant was not present at the alleged place of occurrence. Appellant has one criminal antecedent.

Learned Spl. PP for the State opposed the prayer for anticipatory bail.

Considering the facts and circumstances of the case, since there is no specific allegation against the appellant to abuse the informant by taking caste name, the appellant named above, in



the event of his arrest or surrender before the learned Court below within a period of six weeks from today, is directed to be released on bail on furnishing bail bond of Rs.25,000/- (Rs. Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-III-cum- Special Judge, SC/ST Act, Bhagalpur, in connection with Special SC/ST Case No.57 of 2021, arising out of Pirpanti (Bakharpur) P.S. Case No.84 of 2021, subject to the condition as 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)

pallavi/-

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

