

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1829 of 2022

Arising Out of PS. Case No.-15 Year-2022 Thana- NTPC District- Patna

Kaushal Tiwari S/o Vijay Tiwari @ Vijay Kumar Tiwari R/o village- Rais,
P.S.- N.T.P.C. Barh, District- Patna

... .. Appellant/s

Versus

1. The State of Bihar
2. Rakesh Kumar son of Nandlal Tanti/Das resident of village- Raish, P.S.-
N.T.P.C., Barh District- Patna

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Satish Kumar, Advocate
For the Respondent/s : Ms. Usha Kumari 1, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 17-11-2022 Heard learned counsel for the appellant and learned
counsel for the informant and learned Spl.P.P. for the State.

This is an appeal under Sections 14(A)(2) against refusal of the prayer for anticipatory bail by order dated 25.04.2022 in A.B.P. No. 2022 of 2022 passed by the learned Additional District Judge 3 cum Special SC/ST Judge, Patna in connection with Barh N.T.P.C. P.S. Case No. 15 of 2022 registered under Sections 341, 323, 504, 307 of the Indian Penal Code, and 27 of the Arms Act, Section 3(I)(r)(s) / 3 (2) (ra) of the Scheduled Castes and Scheduled Tribes Act.

According to the prosecution case, when the informant was going to his field, the appellant starts abusing him by saying his caste name and on objection the appellant made firing upon him.



Learned counsel for the appellant submits that appellant has clean antecedent and he has falsely been implicated in the present case. He further submits that it appears from F.I.R. that no case is made out under the SC/ST Act. He further submits that no case is made out under Section 307 of the Indian Penal Code because no injury is found on the informant.

After hearing the parties, in my view for the purpose of this anticipatory bail, no offense under the provisions of Scheduled Castes and Scheduled Tribes Act is made out.

Hence, let the appellant, above, named, in the event of his arrest or surrender before the Court below within a period of four weeks from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount to the satisfaction of learned court below where the case is pending in connection with the aforesaid case, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

1. Appellant shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and



on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. If the appellant tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. And further condition that the court below shall verify the criminal antecedent of the appellant and in case at any stage it is found that the appellant has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the appellant. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

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

(Rajesh Kumar Verma, J)

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