

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1941 of 2022

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

Rakesh Tiwari @ Rakesh Kumar Tiwari, S/o 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, Advocate
For the Respondent/s : Mr.Binay Krishna, Spl.PP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL JUDGMENT

Date : 22-09-2022

Heard learned counsel for the appellant and learned
Spl.PP for the State.

The informant is a police official and is represented
by the State, therefore, no notice is required to be given to the
informant.

Let the defect (s), as pointed out by the office, be
removed within a period of four weeks from the date of
resumption of physical filing and physical removal of defect.

This is an appeal under Section 14(A)(2) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act, 1989 against the refusal of prayer for bail by
order dated 11.05.2022 passed by the learned Additional
Sessions Judge-III-cum-Special Judge SC/ST Act, Bhagalpur in



connection with Special SC/ST Case No. 47 of 2022 arising out of Pirpainti (Bakharpur) P.S. Case No. 84 of 2021, registered for the alleged offences under Sections 147, 148, 149, 341, 323,332, 333, 353, 307 and 504 of the Indian Penal Code and Sections 3(i)(r)(s)(va) of the Scheduled Castes and Scheduled Tribes (POA) Act.

As per the prosecution case, the police conducted a raid to apprehend the appellant as he was accused in some other case. The appellant was apprehended but on shout being made, other co-accused persons assembled and attacked the police party and also abused the informant. They also freed the appellant from the police.

The learned counsel for the appellant submits that the appellant is innocent and has been falsely implicated in this case. The land of the appellant was grabbed by one Chandan Tiwari and the brother of the appellant registered Pirpainti P.S. Case No. 63 of 2021 dated 27.03.2021. The informant in collusion with said Chandan Tiwari got registered this false case. There is general and omnibus allegations levelled against 12 name and 15 unknown co-accused persons without any specific overt act being attributed to any of them. There is no allegation against this appellant. The case in which the police



came to arrest the appellant has already been compromised and the appellant has been acquitted by the learned trial court. The appellant is in custody since 07.04.2022 and the charge sheet has been submitted.

Learned Spl.PP opposes the prayer for bail submitting that the appellant is a habitual offender and he has been made accused in a number of cases.

Having regard to the submissions made hereinabove and considering the fact that there is no specific allegation against this appellant except that he was freed by the other co-accused persons, the appellant above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-III-cum-Special Judge (SC/ST) Act, Bhagalpur, in connection with Special (SC/ST) Case No. 47 of 2022, arising out of Pirpanti (Bakharpur) P.S. Case No. 84 of 2021, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions :

- (i) The bail bond of the appellant will be accepted only after framing of charge, if not already framed.



- (ii) One of the bailors will be a close relative of the appellant, preferably one of the parents.
- (iii) The appellant will remain present on each and every date fixed by the court below.
- (iv) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the appellant will be liable to be cancelled by the court concerned.

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

(Arun Kumar Jha, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	23.09.2022
Transmission Date	23.09.2022

