

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.34 of 2021

Arising Out of PS. Case No.-213 Year-2020 Thana- MASHRAK District- Saran

Vikky Tiwari @ Vikky Kumar Tiwari Son of Ram Narayan Tiwari Resident of Village- Ghoghiya, Police Station- Masrakh, District- Saran at Chapra.

... .. Appellant/s

Versus

1. The State Of Bihar
2. Nitesh Kumar Manjhi son of Naresh Manjhi Resident of village- Ghoghia, P.S.- Masrakh, District- Saran

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Rituraj Singh, Adv.

For the Respondent/s : Mr. Sadanand Paswan, SPP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

5 01-02-2022 Heard learned counsel for the appellant and learned Special Public Prosecutor for the State through virtual court proceeding.

Earlier, prayer for anticipatory bail of the appellant nos. 1 and 3 was dismissed as withdrawn.

Vide order date 25.11.2021, notice was issued to the newly added respondent no. 2. From perusal of the office notes, it appears that notice has been validly served upon the respondent no. 2, but nobody appears on his behalf.

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 anticipatory bail vide order dated 30.06.2020, passed by learned Additional District and Sessions Judge-1st-cum-Special Judge, SC/ST (POA) Act, Saran at Chapra in connection with Masrakh P.S. Case No. 213 of 2020, registered under Sections 341, 323, 307, 504, 506/34 of the Indian Penal Code and Sections 3(i) (r) (s) and 3(2)(va) of SC/ST Act.

Appellant is said to have abused the informant by taking caste name and also beat her with slipper.

It is submitted by learned counsel for the appellant that the appellant is innocent and has not committed any offence. He submits that there is general and omnibus allegation against the appellant. He submits that the alleged occurrence did not take place in public view, as such, no case under Section 3 (1) (r) (s) of the SC/ST Act is made out against the appellant. He further submits that appellant has no criminal antecedent as stated in para-3 of this appeal.

Learned Spl. PP for the State opposes the prayer for bail.

Considering the facts and circumstances of the case and the fact that the occurrence took place in side of the house, the above named appellant, in the event of his arrest or surrender before the learned Court below within a period of six weeks



from today, be enlarged on anticipatory bail on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional District and Sessions Judge-1st-cum-Special Judge, SC/ST (POA) Act, Saran at Chapra in connection with Masrakh P.S. Case No. 213 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)

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