

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3969 of 2021**

Arising Out of PS. Case No.-82 Year-2021 Thana- MASHRAK District- Saran

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MUKESH TIWARY @ MINTU Son of Muni Bagish Tiwari, Resident of
Village and Post - Pakri, P.S.- Mashrakh, Dist.- Saran at Chapra, Bihar.

... .. Appellant/s

Versus

1. The State of Bihar
2. Pran Ram S/o Sona Lal Ram, Resident of Village-Gadaman, P.S.-Mashrakh,
District-Saran at Chapra.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Suman Kumar

For the Respondent/s : Ms.Usha Kumari 1

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**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

4 05-09-2022 The learned counsel for the appellant is directed to

remove all the defects pointed out by the office within one

month.

Heard learned counsel for the appellant as well as the

learned counsel for respondent no. 2.

This appeal has been preferred on behalf of the

appellant under Section 14 (A) (2) of the Scheduled Castes and

Scheduled Tribes (Prevention of Atrocities) Act, 1989 for setting

aside the order dated 01.09.2021 passed by the learned 1st

Additional Sessions Judge-cum-Special Judge, SC/ST (POA),

Act, Saran at Chapra in connection with Mashrakh P.S. Case

No. 82 of 2021 registered for offence punishable under sections



341, 323, 504, 506/34 of the Indian Penal Code and sections 3 (1) (r) of the SC/ST Act, whereby the prayer for anticipatory bail of the appellant has been rejected.

As per allegation, when the informant went to demand the dues of freight of tractor, the appellant abused him by calling his caste name and also assaulted him.

The learned counsel for the appellant has submitted that one day prior to the present case, the family members of the appellant has lodged case against the informant and it is the counter blast of that case. He has submitted further that both the parties have compromised the cases.

Considering the above-mentioned facts and circumstances, the appeal is allowed and the impugned order dated 01.09.2021 is set aside.

Accordingly, the appellant, in the event of arrest or surrender before the court below within four weeks from today, is directed to be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- with two sureties of the like amount each to the satisfaction of learned 1st Additional Sessions Judge-cum-Special Judge, SC/ST (POA), Act, Saran at Chapra in connection with Mashrakh P.S. Case No. 82 of 2021.

Office shall ensure that all defects are removed by the



appellant within the stipulated time mentioned hereinabove,
failing which, the matter shall be brought to the notice of this
Court.

(Nawneet Kumar Pandey, J)

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