

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4229 of 2021

Arising Out of PS. Case No.-6 Year-2021 Thana- SC/ST District- Kaimur (Bhabua)

ANIL KUMAR TIWARI Son of Late Brij Kishore Tiwari Resident of Village-
Bajjali Shahid Adda Road, Sasaram, Police Station- Sasaram Town, District-
Rohtas.

... .. Appellant/s

Versus

1. The State of Bihar
2. Chandradeo Ram Late Shivmuni Ram Vill- Pakriha (Khurd), P.S.- Mohania,
District- Kaimur

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Rajani Kant Singh
For the Respondent/s	:	Mr.Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

4 03-11-2022 Heard learned counsel for the appellant, learned
counsel for the informant learned Special Public Prosecutor for
the State.

The instant appeal has been filed by the appellant
against the order dated 20.09.2021 passed by learned Additional
Sessions Judge, 1st-cum-Special Judge, Kaimur at Bhabua in
ABP No. 881 of 2021 whereby the prayer for bail of the
appellant in connection with Bhabua SC/ST P.S. Case no. 06 of
2021 under Sections 341, 323, 420, 427, 467, 468, 504, 506/34
of the Indian Penal Code and sections 3(i)(f)(g)(r)(s)/3(2)(v) of
SC/ST Act was rejected.

Allegations against the appellant is of demolishing the



constructed house of the informant by JCB machine, resulting into loss of Rs. 1,50,000/-. On objection raised by the informant, several accused persons including the appellant have assaulted the informant and his family members and threatened him of dire consequences.

It is submitted by learned counsel for the appellants that appellant has been falsely implicated in this case due to previous land dispute. He has not taken the cast name of the informant in public view. No offence is made out under the provisions of the SC/ST Act against him. He has got no criminal antecedent. It is mentioned in para 11 of the petition that the alleged house was constructed over the land of the appellant. This case relates to civil dispute.

The appeal for bail is opposed by learned Spl. P.P. for the State.

Having heard learned counsel for the parties and taking into consideration that there is general and omnibus allegation against the appellant, the Court is inclined to allow this appeal. Accordingly, the appeal is allowed and the impugned order dated 20.09.2021 passed in A.B.P. No 881 of 2021 is hereby set aside.

The appellant is directed to be enlarged on bail in



connection with Bhabua SC/ST P.S. Case No. 06 of 2021 on
furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only)
with two sureties of the like amount each to the satisfaction of
the learned Additional Sessions Judge, 1st-cum-Special Judge
Kaimur at Bhabua.

(Sunil Kumar Panwar, J)

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