

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4364 of 2021

Arising Out of PS. Case No.-285 Year-2020 Thana- SAHEBGANJ District- Muzaffarpur

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VIJAY KUMAR TIWARI @ MANISH TIWARI Son Bhagyanarayan Tiwari
Resident of Village - Basudevpur Sarai, P.S.- Sahebganj, Distt.- Muzaffarpur.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Sunil Kumar Pandey
For the Respondent/s : Mr. Sadanand Paswan

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 06-01-2022 Heard learned counsel for the appellant and learned

Special Public Prosecutor for the State through virtual Court

proceedings.

This is an appeal under Section 14(A)(2) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act, 1989 (hereinafter in short referred to as the
'SC/ST Act') against the refusal of prayer for bail vide order
dated 07.09.2021 passed by learned 3rd Additional Sessions
Judge cum Special Judge (SC/ST Act), Muzaffarpur in
connection with Sahebganj P.S. Case No. 285/2020 registered
under Sections 341, 323, 353, 385, 504, 506 & 120B of the
Indian Penal Code and Section 3(1) (r) (s) of the Scheduled
Castes and Scheduled Tribes (Prevention of Atrocities) Act.

The appellant is said to have demanded



Rs.20,000/- from the informant and slated him in the name of his caste.

It is submitted by learned counsel for the appellant that no such occurrence as alleged ever took place. Appellant has been falsely implicated in the case due to previous grudge. As a matter of fact, the appellant is a social activist and always used to raise objection against the fraudulent work of any department of Bihar and Central Government and in that communication the application sought informant under R.T.I. on 16.03.2020 from the C.O., Sahebganj. The C.O., Sahebganj in collusion with the informant lodged the present F.I.R. on concocted facts without any concrete evidence. Slating the informant/complainant in the name of caste is said to have been made at the office of the appellant and not in public view, hence no offence under SC/ST Act is made out against the appellant. The allegation levelled against the appellant is not specific rather general and omnibus in nature. Appellant has no criminal antecedent and has been languishing in custody since 31.07.2021.

As *prima facie* no case is made out against the appellant under the provisions of SC/ST Act, hence there is no need to issue notice to informant.



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

In the facts and circumstances of the case, the
above named appellant is directed to be released on 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 Addl. Sessions Judge-III-cum
Special Judge (SC/ST Act), Muzaffarpur in connection with
Sahebganj P.S. Case No.285 of 2020.

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

(Anjani Kumar Sharan, J)

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