

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4318 of 2021

Arising Out of PS. Case No.-715 Year-2018 Thana- MOHANIYA District- Kaimur (Bhabua)

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KRISHNANAND TIWARI @ GOLU TIWARI Son of Sri Umesh Tiwari
Resident of Village Mohamad Pur, P.S. - Mohania, District - Kaimur at
Bhabua.

... .. Appellant/s

Versus

The State Of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Dharmendra Kumar Singh

For the Respondent/s : Mr. Sadanand Paswan

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 05-01-2022 Heard learned counsel for the appellant and learned

Special Public Prosecutor for the State through virtual court

proceeding.

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 bail vide order dated 01.06.2021, passed by
learned 1st Additional Sessions Judge-cum-Special Judge
Kaimur at Bhabua in connection with Mohania P.S. Case No.
715 of 2018, registered under Sections 302, 307, 324, 326, 34 of
the IPC, Section 27 of the Arms Act and Sections 3(i) (r) (S) of
SC/ST Act.

Allegation is that 9-10 persons including the appellant
resorted to firing causing death to two persons.

It is submitted by learned counsel for the appellant that
the appellant is innocent, not named in the FIR and has not
committed any offence. He submits that during investigation



appellant has been made accused in this case. He submits that there is specific allegation against co-accused Deepu Shukla who has already been granted bail by a coordinate Bench of this Court in Cr. APP (SJ) No. 1778 of 2020 on 08.01.2021. He submits that no case under SC/ST Act is made out against the appellant. He further submits that appellant has two criminal antecedent as stated in para-3 of this appeal and he is languishing in judicial custody since 29.08.2019.

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

Considering the facts and circumstances of the case and the fact that similarly situated co-accused has been granted bail, the above named appellant, be enlarged 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 1st Additional Sessions Judge-cum-Special Judge Kaimur at Bhabua in connection with Mohania P.S. Case No. 715 of 2018.

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

(Anjani Kumar Sharan, J)

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