

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3366 of 2022

Arising Out of PS. Case No.-105 Year-2022 Thana- ARA MUFFSIL District- Bhojpur

1. Pravin Tiwari @ Sumit Kumar Tiwari Son of Siddhanath Tiwari Resident of village - Babhanauli, P.S.- Muffasil, District - Bhojpur at Ara.
2. Narendra Tiwary Son of Parasnath Tiwary Resident of Babhnauli, P.O.- Ratanpur, P.S.- Muffasil, District - Bhojpur at Ara.
3. Sumit Tiwary Son of Meghnath Tiwary Resident of village - Babhanauli, P.O.- Ratanpur, P.S.- Babhanauli, District - Bhojpur.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Kunal Tiwary

For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 16-11-2022 Heard learned counsel for the appellants and learned
Special Public Prosecutor for the State.

The present memo of appeal has been filed on behalf of the appellants for grant of anticipatory bail against the order dated 26.08.2022 passed by learned Ist Additional Sessions Judge-cum-Special Judge (SC/ST Act), Bhojpur at Ara in connection with Ara Muffasil P.S. Case No. 105 of 2022 under Sections 147, 149, 341, 323, 379, 324 and 305 of the Indian Penal Code and section 3(i)(r)(s), 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, whereby the prayer for anticipatory bail of the appellants



was rejected.

As per the prosecution case, while the informant was getting boundary wall constructed on his newly purchased land, meanwhile all the accused persons along with 2-3 unknown persons came there and surrounded the accountant of the informant and started assaulting him and snatched cash of Rs. 25,000/- from his pocket and when driver of the informant and one Amit Ram came to rescue him, all the accused persons abused them calling their caste named and assaulted them. When informant protested all the accused persons caused injury to him and snatched gold chain from his possession.

It is submitted on behalf of the appellants as per the FIR these appellants were member of the mob. There is no specific overt act has been alleged against these appellants. Informant does not belong to SC/ST caste and as such, no case under SC/ST Act is made out. Appellant nos. 2 and 3 have got clean antecedents.

Counsel for respondent no. 2 vehemently opposed the prayer for bail and submitted that some of the injured persons sustained grievous injury.

Considering the aforesaid facts, this appeal is allowed. The impugned order dated 26.08.2022 passed by learned Ist



Additional Sessions Judge-cum-Special Judge (SC/ST Act),
Bhojpur at Ara is set aside.

Let the appellants above-named, in the event of their arrest/surrender before the court below within a period of eight weeks from the date of receipt/production of a copy of this order, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Ist Addiditional Sessions Judge-cum-Special Judge (SC/ST Act), Bhojpur at Ara in connection with Ara Muffasil P.S. Case No. 105 of 2022.

(Prabhat Kumar Singh, J)

vinita/-

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