

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4597 of 2021

Arising Out of PS. Case No.-143 Year-2021 Thana- DINARA District- Rohtas

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1. SUDHIR TIWARI @ SUDHIR KUMAR TRIPATHI Son of Shri Yugal Kishor Tripathi @ Tripathi Resident of Village - Pawra, P.S.- Surjapura, District - Rohtas - 802218
 2. Ravindra Tiwari Son of Late Girjanand Tiwari Resident of Village - Pawra, P.S.- Surjapura, District - Rohtas - 802218

... .. Appellant/s

Versus

1. The State of Bihar
2. Jitendra Kumar Ram Son of Kameshwar Ram Village - Karanj, P.S.- Dinara, District - Rohtas

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Satyabir Bharti, Adv.
For the Respondent/s : Mr.Sadanand Paswan, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 28-04-2022 Heard learned counsel for the appellants and learned Special Public Prosecutor for the State as well as learned counsel for the respondent no.2 in Cr. Appeal (SJ) No.4509 of 2021, arising out of the same P.S. Case, which is listed today.

Learned counsel for the appellants undertakes to remove the defects within four weeks of resumption of normal court proceedings. In the eventuality of non-removal of defects within stipulated period, office will place the matter before the Bench.

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 23.10.2021, passed by learned 1st Additional Sessions Judge -cum- Special Judge, Rohtas at Sasaram, in connection with Dinara P.S. Case No.143 of 2021, registered under sections 302, 147, 148, 149, 323, 504, 506 of the IPC, section 27 of the Arms Act and sections 3(2)(v) of the SC/ST Act.

Allegedly, the FIR named accused persons have abused and assaulted the informant's side by firing and giving khanti blow.

It is submitted by learned counsel for the appellants that no such occurrence as alleged ever took place. Appellants have been falsely implicated in the case due to village politics. The accusation does not constitute any offence under SC/ST Act is made out inasmuch as there is no allegation that the alleged occurrence has taken place in public view. There is a case and counter-case between the parties and a land dispute is also pending between the parties for which a title suit has been filed. The allegation levelled against the appellants is not specific rather general and omnibus in nature. The appellants have been languishing in custody since 03.08.2021. Appellant no.1 has no criminal antecedent while appellant no.2 has one criminal antecedent.



Learned Spl. PP for the State as well as learned counsel for the respondent no.2 opposed the prayer for bail.

In the facts and circumstance of the case, considering that there is no specific overt act against the appellants, the above named appellants are directed to be released on bail on furnishing bail bond of Rs.25,000/- (Rs. Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned 1st Additional Sessions Judge -cum- Special Judge, Rohtas at Sasaram, in connection with Dinara P.S. Case No.143 of 2021.

The impugned order is accordingly set aside and the appeal is allowed.

(Anjani Kumar Sharan, J)

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