

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3610 of 2022

Arising Out of PS. Case No.-292 Year-2022 Thana- GOVINDGANJ District- East
Champaran

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1. SURESH TIWARI, S/o Ramasray Tiwari @ Panda Tiwari Resident of village- Janerawa, P.S.- Gobindganj, District- East Champaran
 2. KRISHNA TIWARI, S/o Suresh Tiwari Resident of village- Janerawa, P.S.- Gobindganj, District- East Champaran

... .. Appellant/s

Versus

1. The State of Bihar
2. KANCHAN BHASKAR, S/o Not Known P.S.I.- Cum- Incharge of Areraj O.P., P.S.- Govindganj, District- East Champaran (informant)

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Abhishek Kumar, Advocate Mrs. Rashmi Jha, Advocate Mr. Sharad Kumar Verma, Advocate
For the State	:	Mr.Usha Kumari 1, Spl. PP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL JUDGMENT

Date : 17-11-2022

Heard learned counsel for the appellants and learned
Special P.P. for the State.

In this case the informant is a police official and he is
duly represented by the Special P.P. who is appearing on behalf
of the State and hence, no need for issuance of any notice has
been felt.

Let the defect (s), as pointed out by the office, be
removed within a period of four weeks.

This is an appeal under Section 14(A)(2) of the
Scheduled Castes and Scheduled Tribes (Prevention of



Atrocities) Act, 1989 against the refusal of prayer for bail vide order dated 24.08.2022 passed by the learned Special Judge, SC/ST Act, East Champaran at Motihari in Trial No. 96 of 2022 arising out of Govindganj (Areraj) P.S. Case No. 292 of 2022 registered for the alleged offences under Sections 147, 148, 149, 341, 323, 307, 332, 333, 353, 354, 354(B), 427 and 120(B) of the Indian Penal Code and Sections 3(1)(r)(s) of SC/ST (Prevention of Atrocities) Act and 3(i) of the Prevention of Damage to Public Property Act.

As per prosecution case, police reached the house of the appellants for their arrest as they were accused in Govindganj (Areraj) P.S. Case No. 245 of 2022. When the police asked the appellants to open their house, they assaulted the police party and tried to snatch their weapon. In this assault, a number of police personnel received injuries. When the police and other co-accused persons were arrested and were being taken out, the co-accused persons resorted to brick batting causing damage to the police jeep.

Learned counsel for the appellants submits that the appellants are innocent and have been falsely implicated in this case. There is a land dispute between the appellants and their agnates who have lodged a number of cases against the



appellants and their family members. Learned counsel further submits that dispute arose over a plot of land which was purchased by the appellant no. 1 vide registered sale deed in the name of his wife on 22.10.1997 and *Jamabandi* was created in their favour and he also got issued the land possession certificate. When the appellant started construction over the said land, one of his agnates in connivance with the police started making objections on the basis of forged sale deed. The learned counsel further submits that since the police intervened in the matter in a biased manner in favour of the agnates of the appellants, the appellant Krishna Tiwary filed a complaint case bearing Complaint Case No. 1144 of 2021 against some of the police officials and a number of his agnates as no action was being taken on complaints of the appellant. Since the son of the appellant no. 1 has made complaint to the Superintendent of Police, Motihari and S.D.P.O., Areraj against the inaction of the police officials, due to this annoyance, the police officials have falsely implicated the appellants in this case. The instant case has been lodged with intention to harass and pressurize the appellants to withdraw the aforesaid complaint case. There is no injury report available and the informant and others entered into the house of the appellants in mid night and this act was against



the police manuals. Moreover, the allegations against the appellant are mostly general, vague and omnibus with other co-accused persons and no specific overt act has been alleged against the appellants. The appellants are in custody since 15.06.2022 and charge sheet has been submitted in this case.

Learned Special P.P. for the State opposes the submission made on behalf of the appellants.

Having regard to the facts and circumstances and submission made on behalf of the parties and further considering the general and non specific nature of allegation against the appellants and the background of dispute showing probability of false implication, the appellants above named are directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) each with two sureties of the like amount each to the satisfaction of learned Special Judge, SC/ST Act, East Champaran at Motihari in connection with Trial No. 96 of 2022, arising out of Govindganj (Areraj) P.S. Case No. 292 of 2022, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions:

- (i) One of the bailors will be a close relative of the appellant.
- (ii) The appellant will remain present on



each and every date fixed by the court below.

(iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the appellant will be liable to be cancelled by the court concerned.

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

(Arun Kumar Jha, J)

Gautam/daya

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	19.11.2022
Transmission Date	19.11.2022

