

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4909 of 2021

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

Surendra Tiwary Son of Late Girjanand Tiwary Resident of Village - Pawara,
P.S.- Suryapura, District Rohtas.

... .. Appellant/s

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Shailendra Kumar Choubey
For the Respondent/s : Mr. Binay Krishna

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 12-05-2022 Heard learned counsel for the appellant and learned
Special P.P. for the State.

This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as 'the SC/ST Act') against the refusal of prayer of bail vide order dated 23.10.2021, passed by learned A.D.J. 1st-cum-Special Judge, SC/ST Act, Rohtas at Sasaram in connection with Dinara P.S. Case No.143 of 2021, registered under Sections 302, 147, 148, 149, 341, 323, 504, 506 of the Indian Penal Code, Section 27 of the Arms Act and Section 3 (2)(v) of the SC/ST Act.

The FIR named accused-persons are said to have fired indiscriminately upon the informant causing death of one Satish Kumar, the cousin of the informant.

Learned counsel for the appellant submits that the appellant is innocent and has falsely been implicated in the present



case. The appellant is not named in the FIR. During investigation, the informant has taken the name of the appellant. It is further stated that no specific overt act is alleged against the appellant and he is in custody since 03.08.2021. It is submitted that similarly situated other co-accused persons have already been granted bail by this Court vide order dated 28.04.2022, passed in Criminal Appeal (SJ) No.4597 of 2021 and order dated 28.04.2022, passed in Criminal Appeal (SJ) No.4509 of 2021.

Learned Special P.P. for the State opposed the prayer for bail of the appellant.

Taking into consideration the fact that similarly situated other co-accused persons have already been granted bail by this Court, let appellant, above named, 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 learned First Class Special Judge, SC/ST Act, Rohtas at Sasaram in connection with Dinara P.S. Case No.143 of 2021.

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

(Anjani Kumar Sharan, J.)

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