

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4964 of 2019

Arising Out of PS. Case No.-139 Year-2019 Thana- PHULWARIYA District- Gopalganj

1. UMESH TIWARI Son of Late Sudama Tiwari Resident of Village - Banshi Bataraha, P.S.- Fulwaria, Distt.- Gopalganj.
2. Taramati Devi @ Taramani Kunwar W/o Late Kedar Tiwari Resident of Village - Banshi Bataraha, P.S.- Fulwaria, Distt.- Gopalganj.

... .. Appellant/s

Versus

1. The State of Bihar.
2. Pritam Kumar Banti Son of Sri Kunwar Rajak Resident of Village - Bodhwan Talab, Via - Jamui, At Present posted as Junior Electric Engineer, Phulwaria Branch, Distt.- Gopalganj.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Awadhesh Kumar Pandey
For the Respondent/s : Mr. Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

7 05-04-2022 Heard learned counsel for the appellants and learned Special P.P. for the State.

Learned counsel for the appellants filed a supplementary affidavit stating therein that the notice issued upon respondent no.2 has been received by his father, Sri Kunwar Rajak and in paragraph 3 of the supplementary affidavit it is submitted that father and respondent no.2 live together.

In view of the facts aforesaid, notice issued upon respondent no.2 is treated to be validly served.

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 anticipatory bail vide order dated 18.09.2019, passed by learned 1st Additional Sessions Judge, Gopalganj in connection with Fulwaria P.S. Case No.139 of 2019, registered under Sections 341, 323, 324, 504, 353 and 34 of the Indian Penal Code and Sections 3(i)(s), 3(2)(r)(a) of the SC/ST Act.

Learned counsel for the appellants submits that the appellants are innocent and have falsely been implicated in the present case. It is submitted that there is general and omnibus allegation against the appellants. It is further submitted that from perusal of the FIR, it is clear that there is no allegation against the appellants that they abused the informant by naming his caste. Appellant no.1 has got one criminal antecedent whereas appellant no.2 has got no criminal antecedent as stated in para 3 of the memo of appeal.

Learned Special P.P. for the State opposed the prayer for anticipatory bail of the appellants.

Having considered the fact that there is no allegation against the appellants that they abused the informant by naming his caste, let appellants, above named, in the event of their arrest or surrender before the learned court below within a period of



six weeks from today, be released on bail on furnishing bail bonds of Rs.25,000/- (rupees twenty five thousand) each with two sureties of the like amount each to the satisfaction of learned 1st Additional Sessions Judge, Gopalganj in connection with Fulwaria P.S. Case No.139 of 2019, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

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

(Anjani Kumar Sharan, J.)

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