

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5789 of 2019

Arising Out of PS. Case No.-44 Year-2019 Thana- ASANWA District- Siwan

1. Ravindra Tiwari @ Ravindra Mani Tiwari Son of Late Shubh Narayan Tiwari Resident of Village - Kandh Pakad, P.S.- Assaon, District- Siwan
2. Pappu Tiwari @ Rakesh Tiwari @ Papu Tiwari Son of Late Shambhu Tiwari Resident of Village - Kandh Pakad, P.S.- Assaon, District- Siwan
3. Jitendra Tiwari Son of Late Badri Narayan Tiwari Resident of Village - Kandh Pakad, P.S.- Assaon, District- Siwan

... .. Appellant/s

Versus

The State Of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Ashok Kumar
For the Respondent/s : Mr. Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 03-01-2022 Heard learned counsel for the appellants and learned
Special Public Prosecutor for the State.

This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, (hereinafter in short referred to as the 'SC/ST Act') against the refusal of prayer for anticipatory bail vide order dated 28.11.2019, passed by learned 1st Additional Sessions Judge-cum-Special Judge, Siwan in connection with Assaon P.S. Case No. 44 of 2019, registered under Sections 341, 323, 354, 379, 504, 506, 34 of the IPC and Sections 3(i) (r) (s) of SC/ST Act.

It is submitted by learned counsel for the appellants that the appellants are innocent and have not committed any offence.



He submits that there is land dispute between the parties. He submits that there is general and omnibus allegation levelled against the appellants. He submits that there is case and counter case between the parties. He submits that the case is counter blast of Assaon P.S. Case No. 43 of 2019. He submits that occurrence took place 22.04.2019 but FIR was lodged on 01.05.2019 after delay of 9 days and there is no explanation for such delay. He submits that appellants have no criminal antecedent. He submits that no case under SC/ST Act is made out against the appellants.

There is no specific allegation against the appellants to abuse the informant or his family member by taking caste name, therefore, notice is not required to the informant.

Learned Spl. PP for the State opposed the prayer for bail.

Considering the facts and circumstances of the case, the above named appellants in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be enlarged on bail on furnishing bail bond of Rs.25,000/- (Rupees 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, Siwan in connection with Assaon P.S. Case No. 44 of 2019, subject to the



condition as laid down under Section 438 (2) of the Cr.P.C.

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

(Anjani Kumar Sharan, J)

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