

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.391 of 2022

Arising Out of PS. Case No.-727 Year-2019 Thana- DEHRI TOWN District- Rohtas

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1. RAMAKANT TIWARI Son of Suresh Tiwari Resident of Bhaluari, P.S. - Indrapuri O.P., District - Rohtas.
 2. MUNNA TIWARI Son of Suresh Tiwari Resident of Bhaluari, P.S. - Indrapuri O.P., District - Rohtas.

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. Ram chandra Ram Son of Late Khomari Ram Resident of Bhaluari, P.S- Indrapuri O.P, District- Rohtas

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Md Fazle Karim, Advocate
For the Respondent/s : Mr. Binay Krishna, SPP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 26-07-2023 1. Heard learned counsel for the appellants, the State and respondent no.2.

2. The present appeal is directed against the order dated 22.07.2021, passed in a case registered for the offence punishable under Sections 341, 323 and 504 of the Indian Penal Code read with Sections 3 (i) (r) (s) (w) of the SC/ST (POA) Act, whereby anticipatory bail of the appellants has been rejected.

3. It is alleged that on 18.10.2019 at 4 P.M in the evening the measurement of road was going on in the village, from where the wife of the informant is ward member,



meanwhile these appellants along with other co-accused persons came there and appellant No. 1 and 2 along with co-accused Dhiraj Tiwary assaulted the informant with lathi on his head in which he sustained head injury and also appellant No. 1 abused the son of the informant by caste name.

4. It is submitted that due to land dispute a simple occurrence of maarpeet took place in which both sides sustained injuries. Case and counter case. Doctor has found simple injury. Insult caused to the respondent no.2 is not based on the caste, as such, no case under SC/ST Act is made out. Appellant claims clean antecedent.

5. Learned counsel for the state and respondent no.2 opposed the prayer for bail.

6. Having regard to the submissions made by the parties and taking into consideration the materials available on record, this appeal is allowed and the impugned order dated 22.07.2021 is set aside.

7. Accordingly, in the event of arrest or surrender the appellant, above named, before the court below within eight weeks from today, they shall be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the 1st



Addl. District and Sessions Judge – cum-Special Judge SC/ST
Act, Sasaram, Rohtas in connection with Dehri (Town)
Indrapuri P.S. case no. 727 of 2019, subject to the condition as
laid down under Section 438 (2) of the Code Of Criminal
Procedure.

(Prabhat Kumar Singh, J)

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