

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.559 of 2022

Arising Out of PS. Case No.-421 Year-2021 Thana- BANIAPUR District- Saran

Ajit Kumar Garg @ Raju Tiwari Son Of Tukar Tiwari Resident Of Village -
Harpur Karah, P.S.- Baniyapur, Distt.- Saran.

... .. Appellant/s

Versus

1. The State of Bihar
2. Arun Kumar Das Nagendra Das R/V-Kanthchapra, P.O.-Kamta, P.S.-
Sahajitpur, District-Saran at Chapra

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Harsh Anuj
For the Respondent/s	:	Mr.Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 10-05-2023 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

Learned counsel for the appellant submits that the notice received by the wife of respondent no. 2 is residing and living with the respondent no. 2 as stated in para-5 of the supplementary affidavit.

Considering the facts aforesaid, let notice received by the wife of respondent no. 2 be 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, (hereinafter in short referred to as the 'SC/ST Act') against the refusal of prayer for bail vide order dated 18.01.2022, passed by learned 3rd Additional Sessions Judge cum Special Judge



(SC/ST Act), Saran at Chapra in connection with Baniyapur P.S. Case No. 421 of 2021, registered under Sections 341, 323, 504, 506/34 of the IPC and Sections 3(1) (r) (s) of SC/ST Act.

Appellant is said to have abused the informant and also assaulted him.

It is submitted by learned counsel for the appellant that the appellant is innocent and has been falsely implicated in this case. He submits that there is no specific overt act against the appellant to abuse the informant by taking caste name. He submits that there is general and omnibus allegation levelled against the appellant. He submits that there is case and counter case between the parties and both side have sustained injury. He submits that the injury found upon the victim is simple in nature. He further submits that appellant has no criminal antecedent as stated in para-3 of this appeal.

Considering the facts and circumstances of the case, let the above named appellant in the event of his 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) with two sureties of the like amount each to the satisfaction of the learned 3rd Additional Sessions Judge cum Special Judge



(SC/ST Act), Saran at Chapra in connection with Baniyapur
P.S. Case No. 421 of 2021, 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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