

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.964 of 2022

Arising Out of PS. Case No.-343 Year-2021 Thana- PARSABAZAR District- Patna

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1. RUMA DEVI Wife of Shailendra Kumar Tiwari Resident of Mohalla/
Village - Rahimpur, Bodhachak Road, P.S. - Parsa Bazar, District - Patna.
 2. Shailendra Kumar Tiwari Son of Krishna Nand Tiwari Resident of Mohalla/
Village - Rahimpur, Bodhachak Road, P.S. - Parsa Bazar, District - Patna.

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Durgawati Kumari Wife of Binod Ram Resident of Village - Rahimpur,
Bodhachak Road, P.S. - Parsa Bazar, District - Patna.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Krishnakant Upadhyay
For the State	:	Mr. Binay Krishna
For the I.O.	:	Mr. Rajesh Kumar
		Mr. Amit Kumar Singh
For the Respondent	:	Mr. Digambar Kumar Singh

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

6 06-12-2023 Learned counsel for the Investigating Officer, Mukesh Kumar, has filed a show cause in the Court. Let it be kept on record.

2. This appeal has been listed on being mentioned by learned counsel for the appellants as the police has arrested the appellant no. 2 despite there being interim protection granted by this Court vide order dated 01.08.2022 while issuing notice to respondent No. 2 it was directed that no coercive steps shall be taken against the appellants in the meantime.

3. The Investigating Officer of the present case and



the S.H.O. is personally present in the Court in compliance of the direction dated 08.11.2023.

4. The Investigating Officer has filed a show cause, wherein while tendering unqualified apologies it has been stated that due to inadvertence the deponent had mis-read the order, which was neither intentional nor deliberate, rather the same took place due to inadvertence. The Investigating Officer has stated in para-16 that he undertakes that such mistakes shall never be committed/repeated in future.

5. Considering the undertaking given by the I.O. of the present case, this Court is not inclined to proceed further against him.

6. The personal appearance of the I.O. of the present case and the S.H.O. stands dispensed with.

7. Heard learned counsel for the appellants and learned Special Public Prosecutor for the State.

8. This is an appeal under Section 14 A (2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter in short referred to as the SC/ST Act), against the refusal of prayer of anticipatory bail vide order dated 26.11.2021 passed by learned A.D.J.-III-cum-Spl. Judge, SC/ST, Patna, in connection with Parsa Bazar P.S.



Case No. 343 of 2021, registered under Sections 147, 149, 341, 323, 504, 337, 306 of the Indian Penal Code and Section 3(i)(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

9. The allegation is regarding the accused persons including the appellants herein having arrived at the door of the house of the informant, whereafter they are alleged to have assaulted the informant and his family members and also abused them by taking their caste name.

10. Learned counsel for the appellants submits that the appellants are innocent and have falsely been implicated in the present case. There is no allegation of slating the informant in the specific name of his caste. Hence, no offence under SC/ST Act is made out against the appellant. There is no specific overt act against the appellants. Similarly situated co-accused have been granted anticipatory bail by a Co-ordinate Bench of this Court vide order dated 07.06.2022 passed in Cr. Appeal (SJ) No. 408 of 2022. Appellants have got no antecedent as mentioned in para-3 of memo of the appeal.

11. Learned Spl. PP for the State as well as learned counsel for the respondent no. 2 opposed the prayer for anticipatory bail.



12. Considering the facts and circumstances of the case, let 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 learned A.D.J.-III-cum-Spl. Judge, SC/ST, Patna, in connection with Parsa Bazar P.S. Case No. 343 of 2021, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

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

14. Before parting with the present order, as has been experienced by this Court on several occasions that the directions issued by the Courts are not being complied with by the concerned police officials causing unnecessary harassment to the litigants compelling them to move before this Court for no fruitful reason, leading to wastage of substantial Courts' time, this Court feels it expedient to direct the Director General of Police, Government of Bihar, to direct all the Senior Superintendents of Police/Superintendents of Police and the Station House Officers of all the Police Stations of the State of Bihar to verify the factum of any interim/final order(s) passed



by the Courts, if such a plea is taken by the concerned accused/aggrieved persons, which can easily be done from the orders/status of the case(s), which are available on the website and proceed accordingly, so as to avoid recurrence of such a situation.

15. Let a copy of this order be sent to the Director General of Police, Bihar, forthwith.

(Anjani Kumar Sharan, J)

anand/-

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