

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1736 of 2023

Arising Out of PS. Case No.-292 Year-2022 Thana- GOVINDGANJ District- East
Champaran

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1. ALOK TIWARI Son of Suresh Tiwari Resident of Village - Janerawa, P.S.- Gobindganj, District - East Champaran.
 2. Raj Kumar Tiwari @ Prince Tiwari Son of Suresh Tiwari Resident of Village - Janerawa, P.S.- Gobindganj, District - East Champaran.

... .. Appellant/s

Versus

1. The State of Bihar
2. Kanchan Bhaskar Son of Not Known P.S.I.-cum-Incharge of Areraj O.P., P.S.- Govindganj, District - East Champaran (informant).

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Abhishek Kumar

For the Respondent/s : Mr. Binay Krishna

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 26-07-2023 Heard learned counsel for the appellants and learned
Special Public Prosecutor for the State.

2. The informant is a police personnel, hence there is no requirement to issue notice or to inform him about the present case as he is represented by the learned Spl. P.P. for the State.

3. 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 20.03.2023 passed by learned Special Judge, SC/ST Act, East Champaran at Motihari, in connection with



Govindganj (Areraj) P.S. Case No. 292 of 2022 registered under Sections 147, 148, 149, 341, 323, 307, 332, 333, 353, 354, 354(B), 427 and 120(B) of the Indian Penal Code and Section 3(i)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act and Section 3(i) of the Prevention of Damage to Public Property Act.

4. As per the prosecution case, appellant and other co-accused persons obstructed the police team in doing his duty and misbehaved with lady constables and also assaulted the police personnel.

5. Learned counsel for the appellants submits that the appellants have no concern with the aforesaid occurrence. He submit that there is no specific allegation against the appellants. He further submits that the co-accused Krishna Tiwari has lodged a Complaint Case No. 1144/21 against the informant and others and so the informant falsely implicated the appellant in this case in order to make pressure for compromising the complaint case. Appellants have eight no antecedent as mentioned in para-3 of memo of the appeal.

6. Learned Spl. PP for the State opposes payer for bail.

7. 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 Special Judge, SC/ST Act, East Champaran at Motihari, in connection with Govindganj (Areraj) P.S. Case No. 292 of 2022, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

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

(Anjani Kumar Sharan, J)

anand/-

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