

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2185 of 2023

Arising Out of PS. Case No.-403 Year-2022 Thana- SIWAN MUFFASIL District- Siwan

Birendra Tiwari Son Of Late Ramanand Tiwari Village- Simaria Tiwari, Tola,
Ps- Nautan, Distt- Siwan

... .. Appellant/s

Versus

1. The State of Bihar
2. Kishmati Devi Wife Of Late Bhagirathi Village- Bhairavpur House No. 370
Mahadev Jharkhandi, Ps- Cantt. Distt- Gorakhpour , Up

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Gajendra Kumar Singh, Advocate
For the Respondent/s : Mr.Usha Kumari 1, Spl. PP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 21-07-2023 Heard learned counsel for the appellant and learned
Special P.P. for the State, on point of admission and on merit
also.

2. The appellant has preferred the present appeal under Section 14A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act (for short ‘the Act’) against the order dated 17.04.2023 passed by the learned 1st Additional Sessions Judge-cum-Special Judge, Siwan in connection with Siwan Mufassil (Dhanauti O.P.) P.S. Case No. 403 of 2022 registered under Sections 498-A, 304-B and 201/34 of the Indian Penal Code and Section 3(2)(Va) of the Act.

3. Present appeal is well within limitation as



prescribed under Section 14A(3) of the Act.

4. It is submitted by learned Special P.P. that information has been given to the informant, in terms of the order dated 23.06.2023 about the present Court proceedings, where informant failed to join the proceedings.

5. Appellant is named in F.I.R. and is in custody since 03.03.2023.

6. The allegation against the appellant is to cause death of the daughter of informant alongwith other co-accused persons/family members due to non fulfillment of demand of dowry as raised for cash of Rs. 5,00,000/-.

7. Learned counsel for the appellant submitted that appellant is father-in-law and the allegation as per narration of F.I.R. is appearing very much general and omnibus against him. It is submitted that implication of appellant is only for the reason that he is father of the husband of the deceased against whom specific thrust of allegation is available. It is submitted that the present marriage was out of love affairs. It is further submitted that appellant is living separately and having no connection with the daily and domestic affairs with the deceased and her husband. It is also submitted that nothing surfaced during the course of investigation and from the bare perusal of



the F.I.R., which may, on its face, suggest that the act of appellant attract atrocities within the meaning of the Act. While concluding the argument, it is submitted that implication of this appellant appears in the present case only being father-in-law, who is man of clean antecedent and moreover, investigation in this case is complete for which chargesheet has been submitted, as such, there is no chance of tampering with the evidence.

8. Learned counsel for the appellant submitted that if insult is not caused to complainant/informant on the basis of caste, no case is made out under the Act, as it was held in **State of Madhya Pradesh Vs. Parasram @ Purushottam**, as reported in **2015 (153) AIC 276**.

9. Learned Special P.P. appearing on behalf of informant, opposes the prayer of bail.

10. In view of the facts and circumstances, as mentioned above, as implication of appellant in the present case appears only being father-in-law of the deceased, where thrust of allegation is available against son of the appellant, namely Raju Tiwari, coupled with the fact, that chargesheet has been submitted, where appellant is in custody since 03.03.2023, accordingly the appellant, above named, is directed to be released on bail in connection with Siwan Mufassil (Dhanauti O.P.) P.S.



Case No. 403 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned 1st Additional Sessions Judge-cum-Special Judge, Siwan/concerned Court, subject to the conditions, as mentioned under Section 437(3) of the Cr.P.C.

11. Accordingly, impugned order dated 17.04.2023 is set aside.

12. Hence, appeal is allowed.

(Chandra Shekhar Jha, J.)

S.Tripathi/-

U		T	
---	--	---	--

