

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2330 of 2023

Arising Out of PS. Case No.-76 Year-2023 Thana- CHENARI District- Rohtas

UDAY PRASAD TIWARI @ UDAY PRATAP TIWARI @ UDAY TIWARI
S/O KAMATA PRASAD TIWARI R/O Village- Kajhwan, P.S- Baddi O.P,
Distt.- Rohtas, Present Address- Resident of Village- Khurmabad, P.S-
Chenari, Distt.- Rohtas.

... .. Appellant/s

Versus

1. The State of Bihar
2. Pradip Ram S/O Tulan Ram R/O Village- Khurmabad, P.S- Chenari, Distt.-
Rohtas, PIN- 821108.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Kuber Pathak, Advocate
For the Resp. No. 2	:	Mr. Vijay Kumar Sinha, Advocate
For the Respondent/s	:	Mrs. Usha Kumari 1, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

- 3 28-07-2023 Heard learned counsel appearing for the appellant,

learned counsel appearing on behalf of the respondent no. 2 and

learned Special Public Prosecutor for the State.

2. This is an appeal under Sections 14(A)(ii) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act (hereinafter referred to as the “SC/ST Act”)
against the refusal of prayer for regular bail vide order dated
27.04.2023 passed by the learned A.D.J. XVII cum Exclusive
Special Judge, SC/ST, Rohtas at Sasaram in connection with
Chenari P.S. Case No. 76 of 2023, F.I.R. dated 25.02.2023
registered under Sections 341, 323, 307, 504, 379 of the Indian



Penal Code and Sections 3(i)(r)(s) of the SC/ST Act.

3. Allegation against the appellant is that he came and started assaulting the informant with bamboo on his head and made him severely injured. Further allegation is that he again assaulted him by fists and legs due to which the informant suffered injuries on his chest and also abused him by caste name and also threatened him to leave village else his whole family would be killed.

4. Learned counsel for the appellant submits that the appellant is innocent and he has been falsely implicated in the present case. He further submits that the allegation against the appellant that he had assaulted with bamboo to the informant. He further submits that from a bare perusal of the F.I.R. it transpires that the date of occurrence as alleged in the F.I.R. is 05.02.2023 but the present F.I.R. was instituted on 25.02.2023 after delay of twenty days without giving any explanation of delay and the injury report of the informant suggests that the hairline fracture seen on temporal bone and the injury report dated 17.02.2023 after twelve days of occurrence. He further submits that the police after investigation submitted chargesheet against the appellant and the appellant is in custody since 24.03.2023.



5. Learned Special Public Prosecutor for the State as well as learned counsel appearing on behalf of the Informant have vehemently opposed the prayer for bail of the appellant and submits that the injury report suggests that the injuries are on vital part of the body of the informant and apart from aforesaid the appellant carries five more cases other than the present one but fairly submits from paragraph-3 of the petitioner that the appellant is on bail in all the cases.

6. Considering the facts and circumstances of the case, let the appellant, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions Judge-XVII-cum-Exclusive Special Judge, SC/ST, Rohtas at Sasaram in connection with Chenari P.S. Case No. 76 of 2023, with the following conditions :-

(1) Appellant shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) If the appellant tampers with the evidence or the



witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) And, further condition that the court below shall verify the criminal antecedent of the appellant and in case at any stage, it is found that the appellant has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the appellant. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

7. Accordingly, the impugned order dated 27.04.2023 is set aside and this appeal stands allowed.

(Rajesh Kumar Verma, J)

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