

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3615 of 2021

Arising Out of PS. Case No.-119 Year-2020 Thana- SC/ST District- Rohtas

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1. TEJ NARAYAN TIWARI Son of Shambhu Sharan Tiwari Resident of Village - Parmanpur, P.S.- Dawath, District - Rohtas.
 2. Santosh Tiwari @ Santosh Kumar Tiwari Son of Shambhu Sharan Tiwari Resident of Village - Parmanpur, P.S.- Dawath, District - Rohtas.
 3. Chaturanand Tiwari Son of Late Kamta Tiwari Resident of Village - Parmanpur, P.S.- Dawath, District - Rohtas.
 4. Chandeshwar Tiwari @ Ratneshwar Tiwari @ Khakhanu Tiwari Son of Chaturanand Tiwari Resident of Village - Parmanpur, P.S.- Dawath, District - Rohtas.

... .. Appellant/s

Versus

1. The State of Bihar
2. Radhika Devi Wife of Om Prakash Paswan R/o vill Parmanpur, P.S.- Dawath, Dist- Rohtas

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Rajani Kant Singh, Adv.
For the Respondent/s : Mrs.Usha Kumari 1, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

5 22-02-2023 Heard learned counsel for the appellants and learned
Special Public Prosecutor for the State.

A supplementary affidavit has been filed on behalf of respondent no.2 stating therein at para-2 and 3 that notice was received by husband of respondent no.2 and that respondent no.2 is living with her husband in village-Parmanpur, P.S.- Dawath, District-Rohtas.

Accordingly, notice served upon respondent no.2 is deemed to be validly served but despite valid service of notice,



nobody appears on her behalf.

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 for anticipatory bail vide order dated 30.07.2021, passed by learned 1st Additional District and Sessions Judge-cum-Special Judge, Rohtas at Sasaram, in connection with SC/ST Dehri P.S. Case No.119 of 2020, registered u/s 147, 149, 341, 323, 354, 504, 506 of the IPC and sections 3(i)(r)(s) of the SC/ST Act.

As per F.I.R., all the F.I.R. named accused persons including the appellants abused and assaulted the informant's side, due to which they sustained injuries.

It is submitted by learned counsel for the appellants that the appellants are innocent and have not committed any offence. No such occurrence, in the manner as alleged has ever taken place. Appellants have been falsely implicated in the case with frivolous allegation. It is submitted that no offence under the SC/ST Act is made out against the appellants as the occurrence is not said to have taken place in the public view. There is general and omnibus allegation against the appellants. It is further submitted that from perusal of the impugned order, it is



itself clear that the injuries are simple in nature. Appellants have no criminal antecedent.

Learned Spl. PP for the State opposed the prayer for bail and submits that appellants are involved in the alleged offence.

Considering the facts and circumstances of the case, since the injuries are simple in nature, let the appellants named above, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be released on bail on furnishing bail bond of Rs.25,000/- (Rs. Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned 1st Additional District and Sessions Judge-cum-Special Judge, Rohtas at Sasaram, in connection with SC/ST Dehri P.S. Case No.119 of 2020, subject to the condition as laid down under section 438 (2) of the Cr.P.C.

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

(Anjani Kumar Sharan, J)

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