

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2766 of 2022

Arising Out of PS. Case No.-97 Year-2022 Thana- ADAPUR District- East Champaran

1. Sanjay Tiwari Son of Late Vishwanath Tiwari Resident of Village - Dhabadhabawa, P.S.- Adapur, District - East Champaran.
2. Vijay Tiwari Son of Late Vishwanath Tiwari Resident of Village - Dhabadhabawa, P.S.- Adapur, District - East Champaran.
3. Pappu Tiwari Son of Late Vishwanath Tiwari Resident of Village - Dhabadhabawa, P.S.- Adapur, District - East Champaran.
4. Shivam Tiwari @ Shivam Kumar Tiwari Son of Sanjay Tiwari Resident of Village - Dhabadhabawa, P.S.- Adapur, District - East Champaran.
5. Kameshwar Mahto Son of Ram Charan Mahto Resident of Village - Dhabadhabawa, P.S.- Adapur, District - East Champaran.
6. Badal Kumar Son of Akhilesh Sah @ Akhilesh Kumar Resident of Village - Dhabadhabawa, P.S.- Adapur, District - East Champaran.

... .. Appellant/s

Versus

1. The State of Bihar
2. Sanjit Paswan Son of Naresh Paswan Resident of Village - Dhabadhabawa, P.S.- Adapur, District - East Champaran.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Sunil Kumar No.Iii
For the Respondent/s	:	Mr.Sadanand Paswan
		Mr.Rajesh Kumar

CORAM: HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA
ORAL ORDER

5 27-04-2023 Learned counsel for the appellants is permitted to make correction in the supplementary affidavit during course of the day.

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



This appeal has been preferred against the order dated 28.06.2022 passed by learned Special Judge (SC/ST Act), East Champaran, Motihari in A.B.P. No.1684 of 2022 arising out of Adapur P.S. Case No.97 of 2022 registered under Sections 147, 149, 341, 323, 307, 504 of the Indian Penal Code and Sections 3(i)(r)(w) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act by which the prayer for anticipatory bail of the appellants has been rejected.

Learned counsel for the appellants submits that the appellants are innocent and have falsely been implicated in this case. He further submits that there is a case and counter case between both the parties and both parties have sustained injuries. The appellants have got no criminal antecedent.

Considering the facts and circumstances of the case as well as the submissions made by the parties, let the appellants, above named, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt of this order, be released on bail on furnishing personal bonds to the satisfaction of Special Judge (SC/ST Act), East Champaran, Motihari in A.B.P. No.1684 of 2022 arising out of Adapur P.S. Case No.97 of 2022 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.



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

(Arvind Srivastava, J)

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