

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.924 of 2021

Arising Out of PS. Case No.-163 Year-2020 Thana- KALYANPUR District- East Champaran

Kundan Tiwari @ Kundan Kumar Tiwari Son Of Ganesh Tiwari Vill-
Husaini, P.S- Kesariya, Dist- East Champaran

... .. Appellant/s

Versus

The State Of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Sanjay Kumar Tiwari
For the informant	:	Ms. Rashmi Jha
For the Respondent/s	:	Mr.Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

5 26-04-2023 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

The present memo of appeal has been filed on behalf of the appellant for grant of anticipatory bail against the order dated 12.10.2020 passed by learned Ist Additional District & Sessions Judge-cum-Special Judge (SC/ST Act), East Champaran, Motihari in connection with Kalyanpur P.S. Case No. 163 of 2020 under Sections 147, 148, 149, 323, 324, 325, 326, 307, 302, 504, 506 and 427 of the Indian Penal Code and section 3(i)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, whereby the prayer for anticipatory bail of the appellant was rejected.

As per the prosecution case, co-accused Ramesh



Prasad @ Ratnesh Prasad abused the informant and his brother and inflicted Gupti blow on the person of brother of informant. Later on, brother of informant succumbed to the injuries.

It is submitted on behalf of the appellant that there is general and omnibus allegation and no specific overt act has been alleged against this appellant. There is no allegation of abuse by caste name against this appellant as such, no case under SC/ST Act is made out. Appellant has got clean antecedent.

Counsel for informant vehemently opposed the prayer for bail.

Considering the aforesaid facts, this appeal is allowed. The impugned order dated 12.10.2020 passed by learned Ist Additional District & Sessions Judge-cum-Special Judge (SC/ST Act), East Champaran, Motihari, is set aside.

Let the appellant above-named, in the event of his arrest/surrender before the court below within a period of six weeks from the date of receipt/production of a copy of this order, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Ist Additional District & Sessions Judge-cum-Special Judge (SC/ST Act), East



Champaran, Motihari in connection with Kalyanpur P.S. Case
No. 163 of 2020.

(Prabhat Kumar Singh, J)

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