

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4490 of 2021**

Arising Out of PS. Case No.-242 Year-2021 Thana- SURSAND District- Sitamarhi

SHANKAR TIWARI S/o Late Jamuna Tiwari R/o Village - Radhaur @
Radhol, P.S. - Sursand, Distt. - Sitamarhi.

... .. Appellant/s

Versus

1. The State of Bihar
2. Phuliya Devi Wife of Late Sukrati Mandal Resident of Village-
Radhapur,P.S- Sursand,District-Sitamarhi

... .. Respondent/s

Appearance :

For the Appellant/s : Mr Alok Kumar Alok, Advocate

For the Respondent/s : Ms Usha Kumari 1, Special PP

CORAM: HONOURABLE MR JUSTICE PRABHAT KUMAR SINGH

ORAL ORDER

6 16-08-2023 Heard learned counsel for the appellant and the
learned Special PP.

2 Despite valid service of notice, no body appears on
behalf of Respondent No 2.

3 This appeal has been filed for setting aside order
dated 29.09.2021, passed in a case registered for the offence
punishable under sections 341/323/354A/504/506/34 of the IPC
and sections 3(1)(r)(s)/3(2) (va) of the Scheduled Castes and
Scheduled Tribes (Prevention of Atrocities) Act, 1989, whereby
prayer for anticipatory bail of the appellant has been rejected.

4 As per the prosecution case, on 23.05.2021 when
daughter of the informant went to cut grass, co-accused Navin



Kumar Tiwari, finding her alone, caught her and tried to allure her by giving Rs 500/-. It is further alleged that when the informant went to the house of the co-accused Navin Kumar Tiwari to make complaint, co-accused Navin Kumar Tiwari abused her by her caste name and assaulted her with danda. Lastly, it is alleged that this appellant also abused her by calling her caste name.

5 Learned counsel appearing for the appellant submits that the specific allegation is against co-accused Navin Kumar Tiwari and this appellant has been made accused in this case merely because he happens to be father of co-accused Navin Kumar Tiwary. Incident did not take place within public view, as such, no case under SC/ST Act is made out. Appellant claims clean antecedent.

6 Learned counsel for the State opposes the prayer for bail.

7 Considering the aforesaid facts, this appeal is allowed and the impugned order is set aside. Let the appellant, named above, in the event of arrest/surrender within a period of eight 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 Additional Sessions Judge -cum-
Special Judge, SC/ST Act, Sitamarhi in Sursand Police Station
Case No 242 of 2021.

(Prabhat Kumar Singh, J)

M.E.H./-

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