

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4856 of 2021

Arising Out of PS. Case No.-108 Year-2020 Thana- SC/ST District- Rohtas

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1. DILEEP TIWARI @ DILEEP KUMAR Son of Shesh Nath Tiwari Resident of Village - Patadhi, P.s.- Shivsahar, Distt.- Rohtas, Sasaram, Bihar
 2. Shesh Nath Tiwari Son of Late Sarju Tiwari Resident of Village - Patadhi, P.s.- Shivsahar, Distt.- Rohtas, Sasaram, Bihar

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. Satyendra Ram Son of Sri Kishun Ram Resident of Village - Patadhi, P.s.- Shivsahar, Distt.- Rohtas, Sasaram, Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Dineshwar Pandey
For the Respondent/s : Mr. Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

5 11-01-2023 Heard learned counsel for the appellants and learned Special Public Prosecutor for the State.

Learned counsel for the appellants undertakes to remove the defects within four weeks.

Learned counsel for the appellants filed a supplementary affidavit and in para-4 of the said affidavit, he stated that the notice served upon respondent no.2 was received by his uncle, who resides at the same place as that of respondent no.2.

Considering this fact, notice is hereby treated as validly served upon the respondent no.2.

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 of anticipatory bail vide order dated 30.10.2021 passed by learned Additional Sessions Judge – I – cum – Special Judge, Rohtas at Sasaram in connection with SC/ST Dehri P.S. Case No.108 of 2020, registered under Sections 341, 323, 325, 354, 504, 506, 34 of the Indian Penal Code and Section 3(1) (r) & (s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

It is submitted by learned counsel for the appellants that the appellants have no concern with the aforesaid occurrence. They have been falsely implicated in the case due to dirty village politics. The allegation of assault levelled against the appellants is not specific rather general and omnibus in nature. Slating the informant/complainant in the name of caste is said to have been made at the house of the appellant and not in public view, hence no offence under SC/ST Act is made out against the appellants. There is no specific overt act against the appellants. He further submits that contrary to the allegations made in the FIR, no fracture injury appears to have been sustained by the informant. He further submits that there is a compromise between the parties. Appellants have no criminal



antecedent as mentioned in para-3 of memo of appeal.

Learned Spl. PP for the State opposed the prayer for bail.

In the facts and circumstances of the case, as there is a compromise between the parties, let the above named appellants, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be enlarged on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge – I – cum – Special Judge, Rohtas at Sasaram in connection with SC/ST Dehri P.S. Case No.108 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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