

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3 of 2023**

Arising Out of PS. Case No.-105 Year-2022 Thana- ARA MUFFSIL District- Bhojpur

HARSHDEEP TIWARI @ HARSH TIWARI S/O Om Nath Tiwary R/O
Village- Babhanauli, P.O- Ratanpur, P.S- Ara Muffasil, District- Bhojpur

... .. Appellant/s

Versus

1. The State of Bihar
2. Dharmendra Upadhyay S/O Late Nardeshwar Upadhyay R/O Village-
Babhanauli, P.O- Ratanpur, P.S- Ara Muffasil, District- Bhojpur

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Kunal Tiwary, Adv.

For the Respondent/s : Mr.Sadanand Paswan, Spl.PP.

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER**

5 12-07-2023 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

Notice has validly been served upon the informant, but
nobody appears on his 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 of anticipatory bail vide order dated
12.10.2022 passed by learned 1st Additional Sessions Judge cum
Special Judge (SC/ST Act), Bhojpur in connection with Ara
Muffasil P.S. Case No. 105 of 2022 registered under Sections
147, 149, 341, 323, 379, 324, 307 of the Indian Penal Code and



Section 3(1)(r)(s), 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

The prosecution case, in brief, is that when the informant was getting his boundary wall constructed, the accused persons came and started assaulting him causing injury and also took Rs. 25,000/- and further his staff Om Prakash Paswan and Amit Ram came to his rescue, they were also attacked and abused by taking their caste name.

It is submitted by learned counsel for the appellant that appellant is quite innocent and has committed no offence. No such occurrence as alleged ever took place. It is submitted by learned counsel for the appellant that the appellant has no concern with the aforesaid occurrence. There is no allegation of slating the informant in the specific name of his caste. He further submits that there is admitted land dispute between the parties, this fact is also not denied by learned counsel for the respondent no.2. Similarly situated co-accused have been enlarged on bail by this Court vide order dated 26.04.2023 passed in Cr. Appeal (SJ) No. 4369 of 2022 and Cr. Appeal (SJ) No. 354 of 2023. Appellant has no criminal antecedent as mentioned in para-3 of this memo of appeal.

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



In the facts and circumstances of the case, as similarly situated co-accused have been granted bail, the above named appellant, in the event of his 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/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned 1st Additional Sessions Judge cum Special Judge (SC/ST Act), Bhojpur in connection with Ara Muffasil P.S. Case No. 105 of 2022, 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)

divyanshi/-

U		T	
---	--	---	--

