

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.178 of 2023

Arising Out of PS. Case No.-417 Year-2022 Thana- PIRO District- Bhojpur

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1. Harshit Tiwari @ Mukul Tiwari @ Muluk Tiwari Son Of Arbind Tiwari @ Rintu Tiwari R/O Village- Itimha Ganesh, P.S.- Piro, District- Bhojpur
 2. Rishab Tiwari @ Veeru Tiwari Son Of Arbind Tiwari @ Rintu Tiwari R/O Village- Itimha Ganesh, P.S.- Piro, District- Bhojpur

... .. Appellants

Versus

1. The State Of Bihar
2. Dharmendra Ram Son Of Late Mani Ram R/O Village- Itimha Ganesh, P.S.- Piro, District- Bhojpur

... .. Respondents

Appearance :

For the Appellant/s	:	Mr.Ajay Kumar Sinha, Advocate
For the Respondent/s	:	Ms/Mrs. Usha Kumari 1, Spl. Public Prosecutor
for respondent no.2		Mr. RR PD Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 19-07-2023 Heard learned counsel for the appellants, the State and respondent no.2.

2. This appeal has been filed for setting aside order dated 18.11.2022, passed in a case registered for the offence punishable under sections 429,323,504/34 of the IPC and sections 3(i)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, whereby prayer for anticipatory bail of the appellants has been rejected.

3. As per the prosecution case, all the FIR named accused persons including these appellants assaulted informant's wife with fists and slaps and they abused the informant and his wife by caste name.



4. Learned counsel appearing for the appellants submits that due to grazing of informant's she goat in the land of appellants, quarrel took place between the parties and taking advantage of the situation, this false case has been lodged. Insult caused by the appellants is not based on caste, as such, no case under the SC/ST Act is made out against them. Appellants claims clean antecedent.

5. Counsel for the State and the respondent no.2 oppose the prayer for bail.

6. Considering the aforesaid facts, this appeal is allowed and the impugned order is set aside. Let all the appellants, 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) each with two sureties of the like amount each to the satisfaction of the Additional Sessions Judge I cum Special Judge, SC/ST Act, Bhojpur at Ara in Piro Police Station Case No. 417 of 2022.

(Prabhat Kumar Singh, J)

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