

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2449 of 2024

Arising Out of PS. Case No.-151 Year-2024 Thana- MOTIHARI MUFASIL District- East
Champaran

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Rocky Tiwari @ Rocky Kumar SON OF RADHA TIWARI RESIDENT OF
VILLAGE- NANDPUR, WARD NO. 6, P.S.- MUFFASIL MOTIHARI,
DISTRICT- EAST CHAMPARAN

... .. Appellant/s

Versus

1. The State of Bihar
2. SATYAVRAT RAVIDAS PRESENT POSTING OF QRT, SHO OF SADAR
MOTIHARI, DISTT- EAST CHAMPARAN

... .. Respondent/s

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Appearance :
For the Appellant/s : Mr. Y.V. Giri, Sr. Adv.
Mr. Devashish Gir, Adv.
Mr. Anuj Kumar, Adv.
For the Respondent/s : Mr.Binay Krishna, APP

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**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

4 13-08-2024 Heard learned counsel for the appellant as well as learned
counsel for the informant.

2. This appeal has been preferred on behalf of the
appellant under Section 14-A(2) of the Scheduled Castes and
Scheduled Tribes (Prevention of Atrocities) Act for setting aside the
order dated 08.05.2024 passed by the learned Special Judge, SC/ST
Act, East Champaran at Motihari in connection with Muffasil P.S.
Case No. 151 of 2024, registered for the offences punishable under
Sections 147, 149, 341, 323, 332, 333, 353, 307, 327, 225, 224, 504,
506 of the Indian Penal Code & Section 3(i)(r)(s), 3(2) (va) of the SC
and ST (Prevention of Atrocities) Act, whereby the prayer for bail of
the appellant has been rejected.



3. The informant of this case is A.S.I. He recorded his self-statement alleging therein that the appellant along with his associates was constructing pathway over the land of one Shambhu Prasad. Shambhu Prasad had already filed Muffasil P.S. Case No. 138 of 2024. The informant along with police party went there to restrain the appellant from constructing the pathway whereupon the appellant misbehaved with the informant by calling his caste name and the appellant and other accused persons snatched his name plate and also assaulted him.

4. Learned Senior counsel for the appellant has submitted that the appellant is innocent and has falsely been implicated in this case. As a matter of fact, the land in question was not belonging to said Shambhu Prasad rather it was a public path and was in use of villagers and Shambhu Prasad had forcibly encroached that pathway. When the villagers protested, Shambhu Prasad and his associates assaulted the villagers and in this respect, Complaint Case No. 738 of 2024 has been filed by one Sudama Devi in which the informant was also one of the accused persons. He has further submitted that the FIR shows itself that the occurrence did not take place due to malicious feeling of caste, as such, the Provisions of SC/ST does not attract. The injuries suffered by the informant are simple in nature and the appellant is under custody since 23.04.2024.

5. Accordingly, the appeal is allowed and the impugned order dated 08.05.2024 passed by the learned Special Judge, SC/ST



Act, East Champaran at Motihari is set aside.

6. Considering the above-mentioned facts and circumstances, the appellant above-named, shall be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, SC/ST Act, East Champaran at Motihari in connection with Muffasil P.S. Case No. 151 of 2024.

(Nawneet Kumar Pandey, J)

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