

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3091 of 2023

Arising Out of PS. Case No.-20 Year-2023 Thana- SC/ST District- Vaishali

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1. SHUSHIL TIWARI SON OF LATE BISHWANATH TIWARI RESIDENT OF VILLAGE- ASHATPUR SATPURA, PS- BHAGWANPUR, DIST- VAISHALI
 2. PANKAJ KUMAR SON OF SHUSHIL TIWARI RESIDENT OF VILLAGE- ASHATPUR SATPURA, PS- BHAGWANPUR, DIST- VAISHALI
 3. RAHUL KUMAR SON OF SHUSHIL TIWARI RESIDENT OF VILLAGE- ASHATPUR SATPURA, PS- BHAGWANPUR, DIST- VAISHALI

... .. Appellant/s

Versus

1. The State of Bihar BIHAR
2. LEELA DEVI WIFE OF AMOD RAJAK RESIDENT OF VILLAGE- ASHATPUR SATPURA, PS- BHAGWANPUR, DIST- VAISHALI

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Hemant Kumar, Adv.
For the Informant	:	Mr. Ambar Narayan, Adv.
For the Respondent/s	:	Mr.Binay Krishna, Spl.pp

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

5 15-03-2024 Heard learned counsel for the appellants and learned counsel for the informant as well as learned Special Public Prosecutor for the State.

2. This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act against the rejection of prayer for anticipatory bail vide order dated 06.06.2023 passed by the learned Special Judge, SC/ST (POA) Act, Vaishali at Hajipur in connection with SC/ST P.S. Case No. 20 of 2023 dated 16.05.2023 registered for the offence/s



punishable u/ss 147, 341, 323, 354B, 324, 447, 308, 504 and 506 of the Indian Penal Code and 3(1)(r), 3(1) (s) (w), 3(2)(va) of the SC/ST (POA) Act.

3. As per the prosecution case, the appellants along with 5-6 unknown miscreants are alleged to have come and abused the informant by calling his caste name. Sushil Tiwari and Manish Kumar assaulted with the butt of pistol and Hasua causing injury. It is further alleged that co-accused Manish Kumar entered his house and took away jewellery worth Rs. two lakhs kept in Attachi.

4. Learned counsel for the appellants has submitted that the appellants have falsely been implicated in this case due to ulterior motive. There is general and omnibus allegation against the appellants. The injury is simple in nature. Learned counsel has further submitted that the caste name was not disclosed by anyone at the time of the alleged occurrence. As per FIR, no member of public was present at the relevant point of time of the incident. Learned counsel has further submitted that no specific caste name has been called by the appellants hence no case is made out under section SC/ST Act. The appellants have no criminal antecedents as stated at para 3 of the bail petition.

5. Learned counsel for the informant as well as learned Spl. P.P. for the State has vehemently opposed the anticipatory bail



petition of the appellants.

6. In view of the aforesaid facts and circumstances of the case as well as finding substance in the contention of the learned counsel for the appellants, the impugned order dated 06.06.2023 passed by the learned Special Judge, SC/ST (POA) Act, Vaishali at Hajipur in connection with SC/ST P.S. Case No. 20 of 2023, is set aside against the appellants. The criminal appeal is allowed.

7. Accordingly, 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 anticipatory bail on furnishing bail-bond of Rs. 20,000/- (Rupees twenty thousand) each with two sureties of the like amount each to the satisfaction of the learned Special Judge, SC/ST (POA) Act, Vaishali at Hajipur in connection with SC/ST P.S. Case No. 20 of 2023, subject to conditions as laid down under section 438(2) of the Code of Criminal Procedure.

(Chandra Prakash Singh, J)

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