

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2978 of 2024**

Arising Out of PS. Case No.-167 Year-2024 Thana- GOVINDGANJ District- East
Champaran

Vivek Chandra Tiwari S/O Mankeshwar Tiwari R/O Village- Purandarpur,
P.S- Malahi, Distt.- East Champaran.

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Abhishek Kumar, Adv.
For the Respondent/s : Mrs.Usha Kumari 1, Spl. PP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

2 11-07-2024 Heard learned counsel for the appellant and learned
Spl. P.P. for the State.

2. This is an appeal under Section 14(A)(2) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act, 1989 against the rejection of prayer for bail of
the appellant vide order dated 19.06.2024 by the learned Special
Judge (SC/ST Act), East Champaran at Motihari in connection
with Govindganj (Malahi) P.S. Case No. 167 of 2024 dated
16.04.2024 registered for the alleged offences punishable under
Sections 341, 323, 325, 308, 504 of the Indian Penal Code and
Sections 3(i)(r)(s) of the Scheduled Castes and Scheduled Tribes
(Prevention of Atrocities) Act.

3. As per prosecution case, the informant's son had



gone to purchase meat at the meat shop where his son was touched with the body of the petitioner upon which, the petitioner abused and assaulted him with shoes and put the informant's son down at puncture shop of the motorcycle. The petitioner stabbed knife in the abdomen of the informant's son and he again tried to stab but the informant's son ran and fell into the field of Kothi and made a call through mobile to the informant whereupon the informant went there then the accused persons also abused her. Thereafter, the injured was taken to the hospital for treatment.

4. Learned counsel for the appellant submits that the appellant is innocent and has falsely been implicated in this case. The occurrence took place on 28.02.2024 but the F.I.R. was lodged on 16.04.2024 and there is no explanation for this delay. There is general and omnibus allegation of abusing against the appellant. It is further submitted that no member of public was present at the relevant point of time of the incident and hence, no offence under provisions of SC/ST Act is made out against the appellant. As per the injury report of the injured, the injury of the informant's son is stated to be simple in nature. It is further submitted that the appellant has no concern with the alleged offence. The appellant is the Panchayat Teacher and he



has one criminal antecedent as stated in para 3 of the bail petition. The appellant is in custody since 18.05.2024.

5. Learned Special Public Prosecutor for the State as well as learned counsel for the respondent no. 2 have opposed the prayer for bail of the appellant.

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 appellant, the impugned order dated 19.06.2024 by the learned Special Judge (SC/ST Act), East Champaran at Motihari in connection with Govindganj (Malahi) P.S. Case No. 167 of 2024, is set aside against the appellant. The criminal appeal is allowed.

7. Accordingly, the above named appellant, is directed to be enlarged on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge (SC/ST Act), East Champaran at Motihari in connection with Govindganj (Malahi) P.S. Case No. 167 of 2024.

(Chandra Prakash Singh, J)

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