

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3160 of 2024

Arising Out of PS. Case No.-722 Year-2023 Thana- BEGUSARAI MUFFASIL District-
Begusarai

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1. Sanskrit Tiyar @ Sanskrit Chaudhary Son of Arun Tiyar R/O Vill.- Milki, Ward no.-09, Suja, P.s.- Muffasil, Dist.- Begusarai
 2. Arun Tiyar Son of Gango Tiyar R/O Vill.- Milki, Ward no.-09, Suja, P.s.- Muffasil, Dist.- Begusarai

... .. Appellant/s

Versus

1. The State of Bihar
2. Shankar Paswan Son of Sitaram Paswan R/O Vill.- Paharchak, Ward no.- 27, P.s.- Muffasil, Dist.- Begusarai.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Amar Kumar Singh, Adv
For the Respondent/s	:	Mr.Usha Kumari 1, Spl. PP
For the informant	:	Mr. Saroj Kumar Sharma, Adv
	:	Mr. Anupam Bahadur, Adv
	:	Mr. Sunny Kumar, Adv

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 12-09-2024 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, (hereinafter in short referred to as the SC/ST



Act) against the refusal of prayer of bail *vide* order dated 06.05.2024 passed by the learned Exclusive Special Judge, SC/ST (POA) Act, Begusarai in connection with Muffasil P.S. Case No. 722 of 2023 registered for the offence/s punishable u/s 341, 323, 325, 307, 379, 504 and 34 of the Indian Penal Code and Sections 3 (2)(v) of the SC/ST (POA) Act.

3. As per the prosecution case, on 16.11.2023 at about 8:00 A.M. the informant along with Tuntun Paswan was returning from Sadhu Baba Asthan suddenly the appellants and the co-accused person Shivdani Tiwar came and started abusing the informant by calling his caste name and the appellant no. 2, namely, Arun Tiwar continuously hit the informant with butt of pistol. On being opposed, the appellant no. 1, namely, Sanskrit Tiwar started assaulting the informant with lathi and the co-accused person, namely, Shivdani Tiwar hit the informant with fatta due to which he sustained injury. It is further alleged that the accused persons snatched Rs. 25,000/- from the pocket of the informant.

4. Learned counsel for the appellants has submitted that the appellants have falsely been implicated in this case due to ulterior motive. As per the FIR, no member of the public was present at the relevant point of time of the incident. There is a



delay of one month in lodging the F.I.R. and there is no plausible explanation for the same. Learned counsel has further submitted that no particular caste name has been called by the appellants hence no case is made out under section of the SC/ST Act. There is general and omnibus allegation against the appellants. The appellant no. 1 has four criminal antecedents and appellant no. 2 has three criminal antecedents as stated at para 3 of the bail petition. The appellants are in custody since 01.04.2024.

5. Learned Spl. P.P. for the State and learned counsel for the informant have vehemently opposed the prayer of bail.

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 06.05.2024 passed by the learned Exclusive Special Judge, SC/ST (POA) Act, Begusarai in connection with Muffasil P.S. Case No. 722 of 2023 is set aside against the appellants. The criminal appeal is allowed.

7. Accordingly, the above named appellants, are 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 Exclusive Special Judge, SC/ST (POA) Act, Begusarai in connection with Muffasil



P.S. Case No. 722 of 2023.

8. Accordingly, the appeal stands allowed.

(Chandra Prakash Singh, J)

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