

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4677 of 2023

Arising Out of PS. Case No.-19 Year-2022 Thana- SC/ST District- Kaimur (Bhabua)

HARI SHANKAR TIWARI @ KINTAN TIWARI SON OF BABBAN
TIWARI R/O VILLAGE- KARAJI, PS- CHAINPUR, DIST- KAIMUR AT
BHABHUA

... .. Appellant/s

Versus

1. The State of Bihar BIHAR
2. ANGAD GOND SON OF LOK NATH GOND RESIDENT OF VILLAGE-
AND PO - KARJI, PS- CHAINPUR, DISTT- KAIMUR AT BHABUA

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Chandra Mohan Jha
For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

4 04-01-2024 Heard learned counsel for the appellant, informant
and learned Special P.P for the State.

The appellant has challenged the order dated
02.09.2023 passed by learned Special Judge (SC/ST Act),
Kaimur at Bhabua in connection with Bhabua SC/ST P.S.
Case No. 19 of 2022 instituted for the offences punishable
under Sections 147, 148, 149, 341, 323, 307, 504, 506 of
the Indian Penal Code and Sections 3(1)(r)(s), 3(2)(v) of the
SC & ST (Prevention of Atrocities) Act whereby his prayer
for being released on anticipatory bail has been rejected.

The accusations are of making assault and abusing



by calling caste name of the informant.

It is submitted by learned counsel for the appellant that appellant has falsely been implicated in this case. There is general and omnibus allegation against the appellant and since the appellant objected the informant for selling illegal liquor, this false case has been registered. As per F.I.R, the occurrence did not take place in public view. Hence, the provisions under SC/ST Act would not be applicable in the case of the appellant. From perusal of impugned order, injury sustained by the injured is simple in nature. Similarly situated co-accused has already been granted bail by this Court vide order dated 17.01.2023 passed in Cr. Appeal SJ No. 4193 of 2022. The appellant is languishing in custody since 08.08.2023.

Learned counsel appearing on behalf of the informant and learned Special P.P have vehemently opposed the prayer for bail of the appellant and submitted that appellant has criminal history and as per para 3 of the appeal, the petitioner is accused in six other cases apart from the present one.

Taking into account the aforesaid facts, this Court



deems it appropriate to set aside the order dated 02.09.2023 passed by learned Special Judge (SC/ST Act), Kaimur at Bhabua in connection with Bhabua SC/ST P.S. Case No. 19 of 2022.

Accordingly, this appeal is allowed.

The appellant, above named, is directed to be released on bail on furnishing bail bonds of Rs. 10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge (SC/ST Act), Kaimur at Bhabua in connection with Bhabua SC/ST P.S. Case No. 19 of 2022.

(Sunil Kumar Panwar, J)

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