

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.19 of 2024

Arising Out of PS. Case No.-44 Year-2019 Thana- ASANWA District- Siwan

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1. Abhishek Kumar Tiwari @ Ankit Tiwari, S/O Ravindra Tiwari @ Ravindra Mani Tiwari R/O Vill- Kandh Pakar, Ps- Assaon, Dist- Siwan
 2. Rishikesh Tiwari @ Aman Tiwari, son of Ravindra Tiwari @ Ravindra Mani Tiwari R/O Vill- Kandh Pakar, Ps- Assaon, Dist- Siwan
 3. Deepak Tiwari, S/O Pappu Tiwari @ Rakesh Tiwari R/O Vill- Kandh Pakar, Ps- Assaon, Dist- Siwan

... .. Appellant/s

Versus

1. The State Of Bihar
2. Laxmina Devi, W/O Rajesh Gond R/O Vill- Kandhapakar, Ps- Assaon, Dist- Siwan

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Ashok Kumar

For the Respondent/s : Ms.Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 03-04-2024 1. Heard learned counsel for the appellants and the learned Special Public Prosecutor for the State.

2. The appellants have challenged the order dated 17.10.2023 passed by the learned 1st Additional District & Sessions Judge-cum-Special Judge, Siwan in connection with Assaon P. S. Case No.44 of 2019, instituted for the offences under Sections 341, 323, 354, 379, 504, 506 and 34 of the Indian Penal Code and Section 3(i)(r)(s) of the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act, 1989, whereby their prayer for grant of anticipatory bail has been



rejected.

3. The learned counsel for the appellants submits that appellants are persons with clean antecedent and they have been falsely implicated in the instant case by the informant with general and omnibus allegation of hurling abuse and assault. It is further submitted that the date of occurrence is 22.04.2019 and the F.I.R. came to be instituted on 01.05.2019 i.e. after a delay of 09 days without any plausible explanation of delay. It is further submitted that police after threadbare investigation came to a considered conclusion that the appellants are innocent and thus, submitted final form, but the learned trial Court in a mechanical manner differing with the police report took cognizance and thus, appellants apprehend their arrest.

4. The learned Special P. P. submits that since cognizance has been taken, as such, anticipatory bail, for the present, is not maintainable, on which learned counsel appearing on behalf of the appellants submits that when one investigating agency after investigating the case threadbare came to a considered conclusion that appellants are innocent whether it is prudent for this Court to send the appellants to jail.



5. Since cognizance has been taken, as such, the Court is not inclined to entertain the present appeal which relates to an anticipatory bail of the appellants.

6. Accordingly, the appeal of the appellants stand rejected.

7. However, in the event, if the appellants surrender on or before 22.04.2024, in that event, the learned trial Court shall dispose of the case on the same day keeping in mind that one investigating agency after threadbare investigation came to a considered conclusion that appellants are innocent.

(Satyavrat Verma, J)

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