

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.35 of 2024

Arising Out of PS. Case No.-823 Year-2023 Thana- BHABHUA District- Kaimur (Bhabua)

Kunjan Tiwari S/O Jai Mangal Tiwari R/O Village- Parsiya, P.S- Bhabua,
Dist.- Kaimur At Bhabua.

... .. Appellant/s

Versus

1. The State Of Bihar.
2. Shyam Narayan Ram S/O Late Mahadeo Ram R/O Village- Parsiya, P.S- Bhabua, Distt.- Kaimur At Bhabua.

... .. Respondent/s

Appearance :

For the Appellant/s : Mrs. Rajani Kant Pandey
For the Respondent/s : Mrs. Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 19-09-2024 Heard learned counsels for the parties.

2. This appeal has been filed for setting aside order dated 17.10.2023 passed in a case registered for the offence punishable under Sections 147, 149, 341, 323, 504, 427, 307, 506 of the Indian Penal Code and Section 3(1)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, whereby the prayer for anticipatory bail of the appellant has been rejected.

3. The prosecution case, in brief, is that on 08.09.2023, appellant tried to dash the informant by his four wheeler but somehow saved himself. When the the informant and other members had gone to house of appellant to make



complain, all the accused persons including this appellant abused the informant by calling his caste name and also assaulted them.

4. It is submitted by learned counsel appearing on behalf of the appellant that appellant is innocent and has falsely been implicated in this case. The present case is counter blast of Bhabhua P.S. Case No. 822 of 2023 which was lodged by the appellant side against the informant. There is no specific allegation of assault against the appellant rather the allegation is general and omnibus in nature. Doctor found the injury simple. Moreover, it is not the case of the prosecution that any member of public was present at the time of incidence and as such, no case under Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act is made out.

5. On the other hand, learned Spl.PP. appearing on behalf of the State and learned counsel appearing on behalf of the informant/Respondent No. 2 have vehemently opposed the prayer for grant of bail to this appellant.

6. Considering the aforesaid facts and circumstances of the case, this appeal is allowed and the impugned order dated 17.10.2023 passed by the learned Court of Special Court, Scheduled Caste and Scheduled Tribes (Prevention of



Atrocities) Act, District- Kaimur at Bhabua in connection with A.B.P. No. 1475 of 2023, arising out of Bhabua P.S. Case No. 823 of 2023 is hereby set aside with respect to this appellant only.

7. Accordingly, let the appellant, named above, in the event of arrest/surrender within a period of eight weeks from the date of receipt/production of a copy of this order, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Court of Special Court, Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, District- Kaimur at Bhabua, in connection with A.B.P. No. 1475 of 2023, arising out of Bhabua P.S. Case No. 823 of 2023.

(Prabhat Kumar Singh, J)

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