

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1561 of 2024

Arising Out of PS. Case No.-75 Year-2017 Thana- RAJPUR District- Buxar

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Santosh Kumar Tiwari @ Santosh Tiwari son of Late Lalan Tiwari Village-
Khiri Ps- Rajpur Dist-Buxar

... .. Appellant/s

Versus

1. The State of Bihar
2. Dular Chandra Ram son of Late Jhingur Ram Village- Khiri Ps- Rajpur Dist-
Buxar

... .. Respondent/s

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Appearance :

For the Appellant	:	Mr. Rang Nath Choubey, Advocate
For the State	:	Ms. Usha Kumari 1, Spl.P.P.
For the Informant	:	Mr. Anand Kumar Ojha 1, Advocate

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 14-08-2025 Heard learned counsel appearing for the appellant,

learned Spl.P.P. appearing on behalf of the State and learned

counsel appearing on behalf of the informant/Respondent No. 2.

2. This appeal has been filed for setting aside order dated 29.02.2024 passed in a case registered for the offence punishable under Sections 302 and 34 of the Indian Penal Code, Section 27 of the Arms Act and Section 3(2)(v)(a)(b) 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 the alleged date and time of occurrence, all the accused persons named in



the F.I.R., including this appellant, came to shop of one Shankar Lal, abused informant and others by caste name and thereafter, co-accused Mantosh Tiwari shot dead one Kamta Ram. It is further alleged that all the accused persons fled away while firing.

4. It is submitted by learned counsel appearing on behalf of the appellant that appellant is quite innocent and has committed no offence. From bare perusal of the F.I.R., it is apparent that specific accusation of shooting bullet is against co-accused Mantosh Tiwari. So far as this appellant is concerned, he is only alleged to be present at the place of occurrence and fled away while firing. It is not the case of the prosecution that any member of public was present at the place of occurrence and as such, no case under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act is made out against the appellant. Appellant claims clean antecedents.

5. On the other hand, learned Spl.P.P. appearing on behalf of the State and learned counsel appearing on behalf of the informant/Respondent No. 2 have vehemently opposed this appeal.

6. Considering the facts and circumstances of the



case, general and omnibus nature of accusation and clean antecedents of the appellant, this appeal is allowed and the impugned order dated 29.02.2024 passed by the learned Additional Sessions Judge-I-cum-Special Judge, S.C./S.T. (P.O.A.) Act, Buxar in connection with A.B.P. No. 204 of 2024 arising out of Rajpur P.S. Case No. 75 of 2017 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 Additional Sessions Judge-I-cum-Special Judge, S.C./S.T. (P.O.A.) Act, Buxar in connection with Rajpur P.S. Case No. 75 of 2017.

(Prabhat Kumar Singh, J)

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