

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2224 of 2024

Arising Out of PS. Case No.-969 Year-2023 Thana- SIKARPUR District- West Champaran

Angad Tiwari Son Of Late Surendra Tiwari Resident Of Village - Sugauli,
Police Station - Shikarpur, District - West Champaran

... .. Appellant/s

Versus

1. The State Of Bihar
2. Sonelal Paswan Son Of Late Suresh Paswan Resident Of Village - Sugauli,
Police Station - Shikarpur, District - West Champaran

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Brij Kishor Mishra, Advocate

For the Respondent/s : Mr. Binay Krishna, Spl. Public Prosecutor

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 13-02-2025 Despite valid service of notice, none appears on
behalf of the respondent No. 2.

2. Heard learned counsel for the appellant and the
State.

3. This criminal appeal has been filed against the
order dated 29.02.2024 passed by learned Additional District &
Sessions Judge- 1st -cum-Special Judge (SC & ST), Bettiah,
West Champaran in ABP No. 429 of 2024 in connection with
Shikarpur P.S. Case No. 969 of 2023, instituted under Sections
147, 148, 149, 341, 323, 324, 307, 379, 504 of the Indian Penal
Code and Sections 3(i)(r)(s) of the Scheduled Castes and
Scheduled Tribes (Prevention of Atrocities) Act, whereby the



prayer for anticipatory bail of appellant has been rejected.

4. Prosecution case, in brief, is that on 7.12.2023 at about 7 PM, while informant was on his way, this appellant in drunken state demanded Rs. 500/- from the informant and on refusal, appellant abused him by caste name and thereafter, all the accused persons assaulted him with *lathi*, *danda* and sword and when Devendra Mani Tiwari came to the rescue, this appellant assaulted him with *farsa* and co-accused Rinku Pandey assaulted Pinku Tiwari with sword. It is further alleged that co-accused Ankit Tiwari picked Rs. 20,000/- from the pocket of informant and co-accused Shivam Tiwari picked Rs. 1,500/- from the pocket of one Sadhu Paswan.

5. Learned counsel for the appellant submits that appellant is innocent and has committed no offence. As a matter of fact, present case is counter blast of Complaint Case No. 2649C of 2023 which was lodged by the wife of this appellant, namely, Jyoti Devi. Injuries sustained by the injured are simple in nature. It is not the case of informant that alleged incident occurred within the public view, as such, no offence under SC/ST Act is made out against appellant. Appellant claims clean antecedent.

6. Learned Spl. Public Prosecutor for the State opposed



the bail application.

7. Considering the aforesaid facts, let the appellant, as named above, in the event of his arrest/surrender within a period of eight weeks from today, be enlarged 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 Additional District & Sessions Judge-1st-cum-Special Judge (SC & ST), Bettiah, West Champaran in connection with Shikarpur P.S. Case No. 969 of 2023.

8. Accordingly, this criminal appeal is allowed and impugned order dated 29.02.2024 is set aside with respect to this appellant only.

(Prabhat Kumar Singh, J)

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