

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.608 of 2025

Arising Out of PS. Case No.-15 Year-2024 Thana- NANIJOR District- Buxar

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- 1 . Dhiraj Tiwari Son of Wakil Tiwari Resident of Village - Chhotki Nainijor, P.S. - Nainijor (Brahampur), District - Buxar
 2. Ravindra Tiwari @ Bedi Tiwari@ Baby Tiwari Son of Late Gupteshwar Tiwari Resident of Village - Chhotki Nainijor, P.S. - Nainijor (Brahampur), District - Buxar
 - 3 . Ramsagar Tiwary @ Ramsagar Tiwari Son of Shrinath Tiwary @ Sainath Tiwari Resident of Village - Chhotki Nainijor, P.S. - Nainijor (Brahampur), District - Buxar

... .. Appellant/s

Versus

- 1 . The State of Bihar through its DGP, Bihar
2. Ramchandra Yadav Son of Dhanpat Yadav Resident of Village and P.O. - Barki Nainijor, P.S. - Nainijor (Brahampur), District - Buxar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Rupesh Kumar Tiwari , Advocate
For the Respondent/s	:	Mr. Sadanand Paswan, Spl. PP
For respondent No. 2	:	Mr. Aditya Nath Pandey, Advocate
		Mr. Yeshonul Ratnam , Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 07-03-2025 Heard learned counsel for the parties.

2. This appeal has been filed for setting aside order dated 20.01.2025 passed in a case registered for the offence punishable under sections 191 (2), 191 (3) , 190, 126 (2), 352, 109 (1) of BNS as well as Section 27 of the Arms Act and sections 3(i)(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 . As per the prosecution case , on the alleged date



and time of occurrence , while the brother of informant Lal Bihar Yadav was returning home in the meantime , all the 8 F.I.R., named accused persons along with 20 to 25 persons assaulted son of informant and co-accused Shivsagar Tiwari fired due to which son of informant sustained injury on his left arm and also abused him by caste name and threatened with dire consequences.

4. It is submitted that on account of land dispute a free fight took place between the parties in which both sides sustained injuries. Case and counter case . As per F.I.R., 8 named and 20 to 25 persons are alleged to have assaulted son of informant but as per injury report only 3 injury has been found which itself falsifies the entire prosecution . Allegation of assault is general and omnibus against the appellant and no specific overt act has been alleged against him. It is not the case of the prosecution that any member of public was present at the time of incident, as such, no case under SC/ST Act is made out. Appellants claim clean antecedent.

5 . Learned counsel for respondent No. 2 as well as learned Special Public Prosecutor vehemently opposed the prayer for bail and submitted that petitioners are named in the F.I.R., with specific accusation that they abused by caste name



and assaulted son of informant as a result of which he sustained injury and one of the injury is found to be grievous in nature .

6. Considering the general and omnibus allegation of assault and clean antecedents of these appellants and other circumstances of case , this appeal is allowed and the impugned order is set aside. Let the appellants, 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) each with two sureties of the like amount each to the satisfaction of the learned court of District and Additional Sessions Judge 1 cum Special Judge SC/St (POA) Act Buxar in connection with Nainijor (Brahmpur) Police Station Case No. 15 of 2024 .

(Prabhat Kumar Singh, J)

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