

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.816 of 2025

Arising Out of PS. Case No.-291 Year-2024 Thana- SURYAPURA District- Rohtas

Ravindra Tiwari S/O Late Girjanand Tiwari R/O Vill.- Pawara, P.S.-
Suryapura, Dist.- Rohtas, Pin- 802218

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Babita Devi W/O Kamlesh Paswan R/O Vill.- Khanduwa Tola, P.O.-
Kusumhara, P.S.- Suryapura, Dist.- Rohtas, Pin- 802218

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Satyabir Bharti, Sr. Advocate
	:	Mr. Abhishek Anand, Advocate
	:	Ms. Aastha Prakash, Advocate
For the State	:	Mr. Binay Krishna, Spl.PP
For the Respondent No.2:	:	Mr. Dharmendra Kumar Singh, Advocate

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

3 14-11-2025 Heard learned counsel for the appellant and learned

Special Public Prosecutor for the State and learned counsel for

the respondent no.2.

2. This is an appeal under Section 14 A (2) of the

Scheduled Castes and Scheduled Tribes (Prevention of

Atrocities) Act, 1989 (hereinafter in short referred to as the

SC/ST Act), against the refusal of prayer of anticipatory bail

vide order dated 05.02.2025 passed by learned Additional

District and Sessions Judge-XVII-cum-Special Court, SC/ST

(POA) Act, Sasaram, Rohtas in connection with Suryapura P.S.

Case No. 291 of 2024 registered under Sections 326(g), 352,



351(2), 3(5) of the Bharatiya Nyaya Sanhita, 2023 and Section 3(1)(r), 3(1)(s) of the SC/ST Act.

3. The case of the prosecution is that on 02.10.2024 at about 1:00 O'clock in the night a fire broke out in the informant's house and he found some people fleeing away including the present appellant. It has further been alleged that when he was confronted, he hurled caste based abuses on the informant.

4. Learned counsel appearing for the appellant submits at the outset that since occurrence has taken place at around 1:00 O'clock in the night, there is no question of any public view, as such the provisions of SC/ST Act would not apply. It has further been submitted that there is no allegation upon the appellant of having set the informant's house on fire, rather it has only been suspected as he was found fleeing away from the vicinity. It has also been submitted that there is an unexplained delay of about five days in lodging the present first information report which would be fatal to the case of the informant. Further, no injury has been caused to informant to any of his family members .

5. Learned Spl. PP for the State as well as learned counsel for the respondent no.2 opposed the grant of



anticipatory bail on the basis of allegations made in the first information report as also the fact that the appellant bears two criminal antecedents.

6. Considering the fact that the occurrence had taken place at 1:00 O'clock in the night, the same didn't take place in public view, as such *prima facie* provisions of SC/ST do not seem to get attracted.

7. Taking into account the facts and circumstances of the case and also considering the inordinate and unexplained delay of five days in lodging the first information report coupled with the fact that no injury was caused to the informant or any of the family members, let the above named appellant, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-XVII-cum-Special Court, SC/ST (POA) Act, Sasaram, Rohtas in connection with Suryapura P.S. Case No. 291 of 2024, subject to the condition as laid down under Section 438(2) of the Cr.P.C/under Section 482(2) of the B.N.S.S. subject to further condition(s):



“i) That the appellant would fully cooperate in the process of investigation and in case it is found that the appellant is not cooperating in the investigation, the prosecution would be at liberty to file an application for cancellation of bail.”

8. Accordingly, the impugned order is set aside and this appeal is allowed.

(Soni Shrivastava, J)

anand/-

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