

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1094 of 2025

Arising Out of PS. Case No.-251 Year-2024 Thana- NAWANAGAR District- Buxar

Sonu Tiwari S/O Late Laxman Tiwari R/O vill - Patarkona, P.S- Sikraul,
Dist.- Buxar

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Kamlawati Kumari W/O Late Azad Paswan R/O vill - Parsaganda, P.S-
Sikraul, Dist.- Buxar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Digvijay Kumar Ojha, Adv.
For the Respondent/s	:	Mr. Abhas , Adv. Mr. Pradhan Murli, Adv. Mr. Manohar Prasad, Adv.
For the State	:	Mr.Binay Krishna,Spl. PP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

4 26-06-2025 Heard learned counsel for the appellant, learned
counsel for the informant and learned Spl. P.P. for the State.

2. This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 against the rejection of prayer for bail of the appellant vide order dated 29.01.2025 passed by the learned Additional Sessions Judge-I-cum-Special Judge (SC/ST Act), Buxar in connection with SC/ST Case No. 98/2024 arising out of Nawanagar P.S. Case No. 251 of 2024 dated 08.08.2024 registered for the alleged offences punishable under Sections 190, 191(2), 191(3), 115(2), 126(2), 109, 352 and 351(2) of the



B.N.S. and Section 27 of the Arms Act and Sections 3(1)(r) 3(2) (va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

3. As per prosecution case, the informant, Kamlawati Kumari gave her fardbeyan before S.I. in Shanti Memorial Hospital, Babu Bazar, Ara in front of her husband namely Azad Paswan who is lying in an injured condition, that on 07.08.2024 in the morning, the informant's husband told her that he was going to Dumraon for the purpose of work by taking his motorcycle and proceeded from house. The informant has no knowledge about the number of motorcycle. Further, it is alleged that at about 10.30 A.M. the informant got information from villagers that her husband was shot. Thereafter the informant and her family members reached the place of occurrence and saw that her husband was lying in a pool of blood. The informant's husband sustained injuries in his left chest, right thigh, bloom of left leg and head. The informant enquired about it then the informant's husband in injured condition disclosed that there were six persons on two motorcycles as Sonu Tiwari (appellant), Lallu Tiwari, Neeraj Pradhan, Navin Pradhan and Jangali Pradhan and they overtook him and stopped the motorcycle of the informant's husband on



the point of pistol. They started indiscriminate firing on the informant's husband causing injuries to him. Thereafter, the informant's husband was taken to hospital for treatment. The informant's husband is not in position to speak due to which her fardbeyan was recorded before S.I. of Basudewa O.P.

4. Learned counsel for the appellant submits that the appellant is innocent and has falsely been implicated in this case. It is further submitted that no member of public was present at the relevant point of time of the incident and hence, no offence under provisions of SC/ST Act is made out against the appellant. Learned counsel has further submitted that police got informant regarding occurrence at 11 A.M. and reached the place of occurrence and the informant's husband was taken to the hospital and found that the deceased was not able to give his fardbeyan before police so, it is enough to prove that source of information of the informant is not believable. It is further submitted that the re-statement of the informant has taken place in para 72 of the case diary wherein she has specifically stated that she had gone to school Behhari and received telephonic message of her father-in-law that her husband was shot then she reached there. It also goes to prove that the informant was not at village Parsaganda and proceeded from Behhari. So, there is



absolute contradiction from the F.I.R. and absolutely her statement is not reliable in the eyes of law. Learned counsel has further submitted that the informant in her statement said that her husband left the house on the motorcycle whereas as per para 35 of the case diary, the father of the deceased said that his son did not know how to ride a bike thus there is a contradiction in both the statements. Learned counsel has further submitted that the F.I.R. itself shows that the deceased was not in position to speak. It is further submitted that the appellant has no concern with the alleged offence. The appellant has no criminal antecedent as stated in para 3 of the bail petition. The appellant is in custody since 04.09.2024.

5. Learned Special Public Prosecutor for the State as well as learned counsel for the respondent no. 2 have opposed the prayer for bail of the appellant.

6. In view of the aforesaid facts and circumstances of the case as well as finding substance in the contention of the learned counsel for the appellant, the impugned order dated 29.01.2025 passed by the learned Additional Sessions Judge-I-cum-Special Judge (SC/ST Act), Buxar in connection with SC/ST Case No. 98/2024 arising out of Nawanganar P.S. Case No. 251 of 2024, is set aside against the appellant. The criminal



appeal is allowed.

7. Accordingly, the above named appellant, is directed to be enlarged on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-I-cum-Special Judge (SC/ST Act), Buxar in connection with SC/ST Case No. 98/2024 arising out of Nawanagar P.S. Case No. 251 of 2024 with the condition :-

(i) The appellant is directed to remain physically present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bond of the petitioner is liable to be cancelled.

(Chandra Prakash Singh, J)

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