

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1374 of 2025

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

Shiv Sagar Tiwari @ Lukudi Tiwari S/O Shrinath Tiwari @ Shirnath Tiwari
Resident of Village- Chhotaki Nainijor, P.S- Nainijor (Brahmpur), Distt.-
Buxar (Bihar).

... .. Appellant/s

Versus

1. The State of Bihar
2. Ramchandra Yadav S/O Dhanpati Yadav R/O Badki Nainijor, P.O- Badki Nainijor, P.S- Nianijr (Brahmpur), Distt.- Buxar (Bihar).
3. Harendra Ram S/O Late Sudama Ram R/O Village- Badki Nainijor, P.S- Nainijor (Brahmapur), Dist.- Buxar (Bihar).

... .. Respondent/s

Appearance :

For the Appellant	:	Mr. Rupesh Kumar Tiwari, Advocate
For the State	:	Mr. Sadanand Paswan, Spl.PP
For Respondent No. 2	:	Mr. Rabish Kumar, Advocate
		Mr. Adarsh Gaurav, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 08-05-2025 Heard learned counsel appearing for the appellant,

learned Special Public Prosecutor appearing for the respondent-

State and learned counsel appearing for the Respondent No. 2.

2. This appeal has been filed for setting aside order dated 31.01.2025 passed by the learned District and Additional Sessions Judge-I-cum-Special Judge, SC/ST (POA) Act, Buxar in connection with A.B.P. No. 98 of 2025 arising out of Nainijor (Brahmpur) P.S. Case No. 15 of 2024 registered for the offence punishable under Sections 191(2),191(3), 190, 126(2), 352 and 109(1) of the B.N.S. and Section 3(i)(r)(s) of the Scheduled



Castes and Scheduled Tribes (Prevention of Atrocities) Act, whereby the prayer for anticipatory bail of this appellant has been rejected.

3. As per prosecution case, it is alleged that this appellant, along with other accused persons, assaulted son of informant and two other persons. It is further alleged that this appellant fired due to which son of informant sustained fire arm injury on his left arm and also abused him by caste name.

4. It is submitted by learned counsel appearing on behalf of the appellant that the appellant is quite innocent and has falsely been implicated in this case. As a matter of fact, due to admitted land dispute, *maar-peet* took place in which both sides sustained injuries. There is case and counter-case between the parties. Appellant also sustained head injury. It is further submitted that it is not the case of the prosecution that any member of the public was present at the time of incidence and as such, no case under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act is made out against this appellant. Appellant claims clean antecedents.

5. On the other hand, learned Special PP for the State and learned counsel for the informant/Respondent No. 2 have vehemently opposed the prayer for grant of anticipatory bail to



the appellant and submitted that appellant is named in the F.I.R. with specific accusation that he fired due to which son of informant sustained fire arm injury on his left arm.

6. Considering the specific and direct nature of accusation, this appeal is dismissed.

(Prabhat Kumar Singh, J)

shashank/-

U		T	
---	--	---	--

