

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1582 of 2025

Arising Out of PS. Case No.-267 Year-2024 Thana- DAUDPUR District- Saran

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1. Ajay Tiwari @ Ajay Kumar Tiwari male, aged about 40 years S/O Late Chandrika Tiwari R/o Vill.- Jaitpur, P.S.- Daudpur, District- Saran
 2. Awadhesh Tiwari, maled aged about 55 years, S/O Jagarnath Tiwari R/o Vill.- Jaitpur, P.S.- Daudpur, District- Saran
 3. Ankit Kumar Tiwari @ Ankit Tiwari S/O Vijay Tiwari R/o Vill.- Jaitpur, P.S.- Daudpur, District- Saran

... .. Appellant/s

Versus

1. The State of Bihar
2. Rakesh Banshphore S/O Bhuar Banshphore R/o Vill.- Jaitpur, P.S.- Daudpur, District- Saran

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Sanjay Kumar Jha, Advocate
For the State	:	Mr. Binay Krishna, Spl PP
For the Respondent no.2	:	Mr. Amrendra Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

4 12-11-2025 Heard learned counsel for the appellants, learned counsel for respondent no.2 and learned Special Public Prosecutor 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 (hereinafter referred to as the “SC/ST Act”) against the refusal of prayer for bail vide order dated 04-03-2025 passed by the learned Court of SC/ST Exclusive



Special Judge Saran at Chapra, in connection with Daudpur PS Case No. 267 of 2024 registered for the offences punishable under Sections 126(2), 115(2), 76, 336(2), 352, 351(2), and 3(5) of the BNS read with sections 3(i)(r)(s), 2 (va) of the SC/ST (POA) Act.

3. The prosecution case, in brief, is that on 16.11.2024 at about 9:00 A.M., the informant's sister, Rekha Devi, was alone at home when petitioner nos. 1 and 3 came and enquired about the informant and told her to send his brother for cutting bamboo. When she informed them that he was not at home and asked them to come later, petitioner no. 1 allegedly pulled her by the hair, threw her to the ground and partially disrobed her. They then abused her using caste-related abusive words and left. Later, near the Girls' School at Jaitpur, petitioner nos. 1 and 2 allegedly caught the informant, abused him by taking his caste name, and forcefully took him to their house. They obtained his signature and thumb impression on a blank paper and took his signature on a stamp paper stating that his father, Bhuar Banshphore had borrowed Rs. 20,000/-. The incident was witnessed by Jay Prakash Sah, Mantu Sharma, and another person.

4. Learned counsel for the appellants submits that the



appellants are innocent and they have been falsely implicated in this case. It is further submitted that there is no specific allegation against the appellants; rather, the allegations made are general and omnibus in nature. It is also contended that the alleged occurrence did not take place in public view or at a public place, and the present case is nothing but a sheer misuse of the law. The FIR has been lodged only to evade repayment of the amount borrowed by the informant's father from the family of the accused. Lastly, it is submitted that appellant nos. 1 and 2 have three criminal antecedents, whereas appellant no. 3 has no criminal antecedents.

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

6. Having considered the facts and circumstances of the case, let the above named appellants, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, upon furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned learned Court of SC/ST Exclusive Special Judge Saran at Chapra, in connection with Daudpur PS Case No. 267 of 2024, subject to



the condition as laid down under Section 482(2) of the Bharatiya Nagarik Suraksha Sanhita, 2023 and further (i) that the appellant no.1 and 2 shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the court below, (ii) that one of the bailors will be their own blood relation, preferably father, mother, brother, sister and or wife, (iii) that the bailor shall also state on affidavit that they will inform the court concerned if the appellants are made accused in any other case of similar nature after their release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse (iv) that if the appellants tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail and (v) that the appellant no. 1 and 2 will appear before the SHO of concerned PS in the first week of each month till the framing of charge in this case.

7. The impugned order dated 04-03-2025 passed in connection with Daudpur PS Case No. 267 of 2024 by the learned Court of SC/ST Exclusive Special Judge Saran at Chapra, is hereby set aside.



8. The appeal stands allowed.

(Khatim Reza, J)

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