

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1863 of 2025

Arising Out of PS. Case No.-107 Year-2024 Thana- GOVINDGANJ District- East
Champanan

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1. Aman Tiwari @ Aman Kumar S/o Nawal Kishor Tiwari Resident of Village - Radhiya, P.S. - Govindganj, District - East Champanan
 2. Vishal Tiwari @ Vishal Kumar S/o Arun Tiwari Resident of Village - Radhiya, P.S. - Govindganj, District - East Champanan
 3. Pawandeep Tiwari @ Pandeep Tiwari @ Pawandeep Kumar S/o Arjun Tiwari Resident of Village - Radhiya, P.S. - Govindganj, District - East Champanan

... .. Appellant/s

Versus

1. The State of Bihar
2. Rashmuni Devi W/o Rajesh Ram Resident of Village - Radhiya, P.S. - Govindganj, District - East Champanan

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Madhurendra Kumar, Advocate
For the Respondent/s : Mr. Sadanand Paswan, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 15-07-2025 Heard Mr. Madhurendra Kumar, learned counsel for the appellants as well as Mr. Sadanand Paswan, learned Spl.P.P. for the State.

2. Despite valid service of notice upon respondent No.2, no one appears on behalf of respondent No.2

3. This is an appeal under Sections 14(A)(2) against refusal of the prayer for anticipatory bail by order dated 13.02.2025 passed by the learned Special Judge, SC/ST, East



Champaran, in connection with Govindganj P.S. Case No.107 of 2024, F.I.R. dated 10.03.2024 registered under Sections 147, 148, 149, 324, 341, 323, 325, 307, 379, 427, 504, 354, 506 of the Indian Penal Code and Sections 3(1) (i) (r) (s) (w) 3(2) (va) of the Scheduled Castes and Scheduled Tribes Act.

4. According to the prosecution case, respondent No. 2, Rashmuni Devi, alleged that on 10.03.2025 around 6:00 P.M., she witnessed the accused persons, armed with weapons, abusing and assaulting her father-in-law, brother-in-law, and mother-in-law, causing them injuries. The accused also allegedly looted ₹20,000 from her shop, damaged property worth ₹2,00,000, and issued death threats.

5. Learned counsel for the appellants submits that appellants are innocent and they have falsely been implicated in the present case. It appears that although the appellants are named in the F.I.R., but from a bare perusal of F.I.R., it appears that altogether 32 named accused persons and more than 60 unknown persons are named and there is no specific allegation against the appellants rather there is general and omnibus allegations against all the accused persons, including the appellants. From a bare perusal of F.I.R., it appears that the present occurrence has taken place in the house of the



informant, which is not a public place, hence, the provisions under the SC/ST Act shall not be attracted against the appellants and similarly situated co-accused persons namely Ankit Tiwari and others, who have been granted the privilege of anticipatory bail by a Co-ordinate Bench of this Court vide order 04.10.2024 passed in Cr. App (SJ) No.2239 of 2024.

6. Learned Special Public Prosecutor for the State has vehemently opposed the prayer for bail of the appellants.

7. After hearing the parties, in my view for the purpose of this anticipatory bail, no offence under the provisions of Scheduled Castes and Scheduled Tribes Act is made out.

8. Considering the aforesaid facts and circumstances, the appellants have clean antecedent, there is no specific allegation against the appellants rather there is general and omnibus allegations against all the accused persons including the appellants and similarly the situated co-accused persons namely Ankit Tiwari and others, have been granted the privilege of anticipatory bail by a Co-ordinate Bench of this Court, let the appellants, above named, in the event of their arrest or surrender before the Court below within a period of thirty days from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with



two sureties of the like amount each to the satisfaction of learned Special Judge, SC/ST, East Champaran, Motihari, in connection with SC/ST Case No.54 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure / Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita, 2023 and with other following conditions:-

i. Appellants shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed 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. 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.

iii. And further condition that the court below shall verify the criminal antecedent of the appellants and in case at any stage it is found that the appellants have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the appellants. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.



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

(Rajesh Kumar Verma, J)

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