

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3301 of 2024

Arising Out of PS. Case No.-100 Year-2024 Thana- KOTWA District- East Champaran

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1. Vijay Tiwari S/o Late Nawal Kishore Tiwari
 2. Pawan Tiwari S/o Late Nawal Kishore Tiwari
 3. Navneet Tiwari S/o Vijay Tiwari
 4. Naveen Tiwari S/o Vijay Tiwari
 5. Nirbhay Tiwari S/o Vijay Tiwari
- All R/o Village Baghia Kala (Bajhiya Kala), P.S. Kotwa (Bhopatpur O.P.),
Distt. - East Champaran, Bihar

... .. Appellant/s

Versus

1. The State of Bihar
2. Girja Devi W/o Hridev Paswan R/o vill - Bajhia Kala, P.S. - Kotwa, Distt -
East Champaran, Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Manish Kumar Singh, Advocate
For the Respondent/s	:	Mr. Binay Krishna, APP
		Mr. Sunil Kumar No.III, Advocate
		Mr. Bijendra Kumar, Advocate
		Mr. Raki Alam, Advocate

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

4 12-11-2025 Heard learned counsel for the appellants, learned

counsel for the State and learned counsel for the respondent

no.2.

2. The instant appeal has been preferred against the

order dated 18.5.2024 passed in ABP no.2047 of 2024 by the

learned Special Judge, S.C. and S.T. Act, East Champaran,

Motihari and for grant of anticipatory bail to the appellants in

connection with Kotwa P.S. Case no.100 of 2024 registered for



the offence under sections 323, 324, 354, 506 and 34 of the Indian Penal Code and section 3(i)(r)(s)(v) of the Schedule Castes and Schedule Tribes (Prevention of Atrocities) Act, 1989.

3. As per the prosecution case, the informant states that on her intervening in a dispute between Hridyanand Tiwari and the appellants, it is stated that Vijay Tiwari and Pawan Tiwari abused her in the name of her caste and Vijay Tiwari also assaulted her.

4. Learned counsel for the appellants submits that the appellants have been falsely implicated in the case. It was a case of dispute between the agnates Hridyanand Tiwari on one hand and the appellants on the other in which the informant herein has been set up by Hridyanand Tiwari to lodge a false case under the S.C. and S.T. Act. It is for this reason that Hridyanand Tiwari in his FIR does not even mention about the informant herein. The appellants undertake to cooperate in the investigation/trial.

5. The appeal is opposed by learned counsel appearing for the State and the learned counsel for the respondent no.2. Learned counsel for the respondent no.2 submits that the case being one under the S.C. and S.T. Act, the application for anticipatory bail is not maintainable at least so



far as the appellant nos.1 and 2 are concerned. All the appellants are named in the FIR and there is direct allegation against them.

6. Having heard learned counsel for the parties and having perused the contents of the FIR, taking into consideration the allegation against the appellant nos.1 and 2, the instant appeal so far as appellant nos.1 and 2 are concerned, is held to be not maintainable in view of the provisions of the S.C. and S.T. (Prevention of Atrocities) Act, 1989 and the judgment dated 1.9.2025 of the Hon'ble Supreme Court in *SLP (Cr.) no.8169 of 2025 (Kiran vs. Rajkumar Jivraj Jain & Anr.)*.

7. In view of the facts and circumstances of the case, the Court is inclined to allow the instant appeal so far as the appellant nos.3, 4 and 5 are concerned. The appeal is allowed and the order dated 18.5.2024 passed in ABP no.2047 of 2024 by the learned Special Judge, S.C./S.T. Act, East Champaran, Motihari is set aside.

8. In view of the above, the three appellants namely Navneet Tiwari, Naveen Tiwari and Nirbhay Tiwari in the event of their arrest or surrender before the learned Court below within a period of four weeks, are directed to be released on anticipatory bail in connection with Kotwa P.S. Case no.100 of 2024 on each of them furnishing bail bond of Rs.10,000/-



(Rupees Ten Thousand) with two sureties of the like amount
each to the satisfaction of the learned Special Judge, S.C./S.T.
Act, East Champaran, Motihari.

(Partha Sarthy, J)

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