

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3847 of 2024

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

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Jhunna Tiwari @ Munna Tiwari Son of Lalan Tiwari R/V-VILL - RADHIYA,
P.S. - GOVINDGANJ, DISTT.- - EAST CHAMPARAN

... .. Appellant/s

Versus

- 1. The State of Bihar Bihar
- 2. Rashmuni Devi Wife of Rajesh Ram R/V-VILL - RADHIYA, P.S. -
GOVINDGANJ, DISTT.- - EAST CHAMPARAN

... .. Respondent/s

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Appearance :
For the Appellant/s : Mr.Madhurendra Kumar
For the Respondent/s : Mr.Sadanand Paswan

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

- 3 20-11-2025
1. Heard learned counsel for the parties.

2. The instant appeal has been preferred by the
appellant against the order dated 7.6.2024 passed in A.B.P no.
2595 of 2024 by the learned Special Judge, SC/ST Act, East
Champaran, Motihari whereby the learned Court below was
pleased to reject the application for anticipatory bail filed by the
appellant in connection with Govindganj P.S Case no. 107 of
2024 registered under sections 307, 147, 148, 149, 341, 323,
324, 325, 379, 427, 504 and 506 of the Indian Penal Code and
sections 3(1)(r), (s) and (w)(i) and 3(2)(va) of the SC & ST
(POA) Act.

3. As per the prosecution case, the informant states



that while she was at home, the 32 named accused persons as also 60 unknown accused persons came variously armed and as a result of indiscriminate assault by them, serious injuries were sustained by her father-in-law, mother-in-law and other family members. The accused persons looted Rs. 20,000 in cash and caused damage to property worth Rs. 2 lakhs.

4. Learned counsel for the appellant submits that the appellant has been falsely implicated in the case. The manner of occurrence is other than what has been narrated in the FIR. There was scuffle between the children of two communities and the occurrence has been given the colour of an offence under SC & ST Act. No offence under the SC & ST Act is made out against the appellants and the injury report does not support the prosecution case of brutal assault by 90 accused persons.

5. The appeal is opposed by learned APP for the State.

6. Having heard learned counsel for the parties and taking into consideration the allegations against the appellant in the FIR, the contents of the injury report which has transpired in course of investigation, according to which one injury has been found on the body of the father-in-law of the informant as against assault by 90 accused persons together with the appellant not having any criminal antecedent, the Court is



inclined to allow the appeal.

7. The appeal is allowed and the order dated 7.6.2024 passed in A.B.P no. 2595 of 2024 by the learned Special Judge, SC/ST Act, East Champaran, Motihari is hereby set aside.

8. Let the appellant, above named, in the event of his 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 Govindganj P.S. Case no. 107 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, SC/ST Act, East Champaran, Motihari/concerned Court below.

(Sandeep Kumar, J)

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