

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5232 of 2024**

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

- =====
1. Lavkesh Tiwari @ Lokesh Tiwari @ Laukesh Kumar Tiwari Son of Brij Kishore Tiwari Resident of village-Radhiya, Police Station Govindganj, District-East Champaran.
 2. Amit Kumar Tiwari Son of Raj Kishore Tiwari Resident of village-Radhiya, Police Station Govindganj, District-East Champaran
 3. Ramayan Tiwari Son of Brij Kishore Tiwari Resident of village-Radhiya, Police Station Govindganj, District-East Champaran

... .. Appellant/s

Versus

1. The State of Bihar
2. Sashmuni Devi Wife of Rajesh Ram Resident of village-Radhiya, Police Station Govindganj, District-East Champaran

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Sarvesh Kashyap, Adv.
For the Respondent/s : Mr. Sadanand Paswan, Spl.PP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

4 14-11-2025 Heard the parties.

2. The appellants has preferred the present appeal under Section 14A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act (for short ‘the Act’) against the order dated 07.06.2024 passed by the learned Special Judge (SC/ST) Act, East Champaran at Motihari in connection with Govindganj P.S. Case No. 107 of 2024 registered under Sections 147, 148, 149, 341, 323, 324, 325, 307, 379, 427 504, 506 of IPC and Sections 3(i)(r)(s)



(w)(i), 3(2)(v-a) of SC/ST (POA) Act.

3. Present appeal is well within limitation as prescribed under Section 14A(3) of the Act.

4. As per FIR, 32 named accused including appellants and 60 unknown equipped with deadly weapon like *lathi*, rod etc. assaulted family members of informant mainly father-in-law with an intention to cause death. It is alleged that during occurrence cash as Rs. 20,000/- was also looted from the house of the informant.

5. Learned counsel appearing for the appellants submitted that the present occurrence took place due to certain dispute surfaced between the children of both sides arising out of their game issue, where, it is alleged that the father-in-law of informant was assaulted by almost more than 90 persons. It is submitted that upon medical examination only single injury was found upon father-in-law which make entire allegation doubtful on its face. It is pointed out that allegation of physical assault appearing very much general and omnibus *qua* physical assault and nothing appears out of face of FIR that any abuse was advanced by appellants and



other co-accused person suggesting that the occurrence took place out of atrocities as defined within the meaning of SC/ST (POA) Act. Appellants claimed clean antecedent.

6. Learned Spl P.P. while opposing the prayer of bail submitted that the appellants actively participated in the occurrence where the informant is the eye witness, however he could not disputed the aforesaid factual submissions advanced by learned counsel for the appellants.

7. Despite of service of notice, none appeared on behalf of informant as to join the present proceedings.

8. In view of aforesaid factual submissions and by taking note of fact, as allegation of physical assault appears against appellants is of general and omnibus in nature particularly considering the number of injury in the background of allegations that father-in-law of informant was assaulted by more than 90 persons including appellants, who are men of clean antecedent, accordingly, all above-named three appellants in the event of their arrest or surrender before the learned trial Court, within a period of six weeks of the order, are directed to be released on bail furnishing bail



bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Special Judge (SC/ST) Act, East Champaran at Motihari /concerned Court, where the case is pending in connection with Govindganj P.S. Case No. 107 of 2024, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

9. Accordingly, impugned order dated 07.06.2024 is hereby set/quashed.

10. Hence, appeal stands allowed.

(Chandra Shekhar Jha, J)

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