

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.202 of 2026

Arising Out of PS. Case No.-49 Year-2025 Thana- SC/ST District- Aurangabad

Abhishek Tiwari @ Abhishek Kumar Son of Megha Tiwari @ Meghnath
Tiwari R/o Tiwari Muhalla, P.S. - Daudnagar, Dist. - Aurangabad(Bihar).

... .. Appellant/s

Versus

1. The State of Bihar
2. Ajay Kumar Paswan Son of Umesh Paswan R/o Village - Belwa, P.S. -
Daudnagar, Distt. - Aurangabad.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Ashok Singh
For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 3 17-06-2026 1. Heard learned counsel for the appellant and learned
Spl. P.P. for the State, Mr. Binay Krishna.
2. No one appears on behalf of the respondent no. 2.
3. 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 anticipatory bail vide
order dated 6-1-2026 in A.B.P. No. 5 of 2026 passed by the
learned 1st Additional Sessions Judge-cum-Special Judge
(S.C./S.T., Children & NDPS Act), Aurangabad (Bihar) in
connection with Aurangabad SC/ST P.S. Case No. 49 of 2025
registered for the offences punishable under Sections 191(2),



190, 191(3), 126(2), 115(2), 352, 351(2) and 303(2) of the BNS as well as Sections 3(1)(r)(5) and 3(2)(va) of the SC/ST Act.

4. Learned counsel for the appellant submits that appellant has antecedent of four cases and the informant alleges that on 17-11-2025 he was returning home after purchasing feed for the poultry farm when he was intercepted by accused persons including the appellant along with four unknown accused near Jinoriya market. It is next alleged that the accused persons started assaulting him and Anjan and Abhishek abused him by taking caste name, it is further alleged that the accused persons assaulted him by rod and pistol causing injury near eye and forehead, further Anjan intended to fire, but then villagers gathered when accused persons fled and informant was taken to hospital for treatment.

5. Learned counsel for the appellant submits that the appellant has been falsely implicated in the instant case by the informant. It is next submitted that from perusal of the allegations as alleged in the FIR, it would manifest that allegation of assault and abuse is general and omnibus in nature. It is also submitted that the date of occurrence is 17-11-2025 and the FIR came to be instituted on 21-11-2025, i.e., after a delay of 4 days which casts aspersion on the case of the



prosecution without any plausible explanation. It is next submitted that had the informant been assaulted in the manner as alleged, in that event, the hospital would have informed the police but that is not the case as the FIR has been instituted based on written application of the informant.

6. Learned Spl. P.P. for the State opposes the prayer for anticipatory bail of the appellant.

7. Considering the aforesaid facts, let the appellant above-named, in the event of his arrest or surrender within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 5,000/- (Rupees Five Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with the aforesaid case, subject to the conditions as laid down under Section 482 (2) of the BNSS.

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

(Satyavrat Verma, J)

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