

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1080 of 2026

Arising Out of PS. Case No.-5 Year-2026 Thana- SC/ST District- Gopalganj

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1. Arvind Kumar Tiwari @ Dharamveer Tiwari S/o Late Kapildeo Tiwari Resident of Vill- Goniya, P.S- Thawe, Dist- Gopalganj
 2. Dharmendra Tiwari S/o Late Kapildeo Tiwari Resident of Vill- Goniya, P.S- Thawe, Dist- Gopalganj
 3. Sandeep Tiwari S/o Prithvinath Tiwari Resident of Vill- Goniya, P.S- Thawe, Dist- Gopalganj

... .. Appellant/s

Versus

1. The State of Bihar
2. Rakesh Ram S/o Late Gena Ram Resident of Vill- Goniya, P.S- Thawe, Dist- Gopalganj

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Umesh Kumar Singh, Advocate
For the Respondent/s : Ms. Usha Kumari 1, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 28-07-2026 1. Heard learned counsel for the appellants, learned Special Public Prosecutor for the State and the learned counsel appearing on behalf of the informant.

2. 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 12.02.2026 in A.B.P. No. 215 of 2026 passed by the learned 11th District and Additional Sessions Judge-cum-Exclusive Special Judge, SC/ST Act, Gopalganj in connection with Gopalganj SC/ST P.S. Case No. 05 of 2026 registered



under Sections 126(2), 326(g), 351(2), 352 and 3(5) of the BNS as well as Sections 3(1)(r), 3(1)(s) and 3(2)(va) of the SC/ST Act.

3. Learned counsel for the appellants submits that appellants are persons with clean antecedent and the informant alleges that land of the appellants is behind his house and on 05.01.2026 accused persons including the appellants came at 11:00 p.m. when he was sleeping and put his house on fire, hence, the informant along with his family members came out of the house and saw the accused persons standing with arms. Further, Arvind Kumar Tiwari (appellant no. 1) in presence of the informant put the house of his brother on fire on account of which household articles and grains were burnt and threatened them to leave the place and not to stay near their house.

4. Learned counsel for the appellants submits that appellants have been falsely implicated in the instant case by the informant. It is further submitted that though the informant alleges that his house and house of his brother was put on fire but then there was no house on the land, rather there was a hut and the hut was put on fire but then the hut was put on fire by the informant and his family members as the land on which the hut was constructed was a government land and the Circle



Officer, Manjha by notice dated 18.11.2025 had directed the informant and his side to remove the illegal construction over the government land. It is next submitted that since a dispute had arisen in between the side of the informant and the appellants as such the informant's side put the hut on fire and falsely implicated the appellants in the instant case.

5. Learned Special Public Prosecutor for the State and learned counsel appearing on behalf of the informant opposed the prayer for anticipatory bail of the appellants.

6. Learned counsel appearing on behalf of the informant submits that appellant no. 1 has antecedent of one case but then at para 3 of the appeal it is pleaded that appellants are persons with clean antecedent, as such, the appellant no. 1 has not approached the Court with clean hands on which learned counsel appearing on behalf of the appellants submits that pleadings at para 3 of the appeal has been made based on instruction of the deponent of the appeal.

7. After hearing the learned counsel for the parties, the appeal is disposed of with a direction to the appellants to appear before the learned trial court on 06.08.2026 and the learned trial court shall release the appellants on provisional anticipatory bail on furnishing bail bonds of Rs.5,000/- (Rupees



Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned Trial Court where the case is pending in connection with the aforesaid case, subject to the conditions as laid down under Section 438(2) of the Cr.P.C./482(2) of the B.N.S.S. and thereafter shall verify the criminal antecedent of the appellants and if it is found that any of the appellants have antecedent of even one case in that event the provisional anticipatory bail bonds of the appellants having antecedent shall not be confirmed but then if it is found that appellants are persons with clean antecedent in that event the provisional anticipatory bail bonds shall be confirmed forthwith.

(Satyavrat Verma, J)

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