

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3036 of 2025

Arising Out of PS. Case No.-100 Year-2025 Thana- BUXAR INDUSTRIAL District- Buxar

Chhotu Tiwari @ Alok Tiwari @ Alok Kumar Tiwari S/o Ashutosh Tiwari @
Ashutosh Kumar Tiwari, Resident of Village- Shanti Nagar, (Chini Mill), PS-
Buxar (Town), Distt.- Buxar

... .. Appellant/s

Versus

1. The State of Bihar
2. Vidhyanchal Kumar S/o Dasrath Ram R/o Ahirauli P.O- Ahirauli, ward no.
38, P.S.- Buxar Industrial Area, Dist.- Buxar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Tushar Anand, Advocate.
For the Respondent/s	:	Mr.Sadanand Paswan, Spl. PP.
For O.P. No.2	:	Mr. Rajeev Ranjan, Advocate.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

4 23-02-2026 Heard learned counsel appearing on behalf of the

appellant, learned Spl. PP for the State and learned counsel for

the informant.

2. The appellant has preferred the appeal under
Section 14(A)(2) of the SC/ST Act against the rejection of
prayer for pre-arrest bail vide order dated 24.05.2025 passed by
learned District and Additional Sessions Judge-I cum Special
Judge, SC/ST (P.O.A.) Act, Buxar in Buxar (I) P.S. Case No.
100 of 2025 registered under Sections 126(2), 117(2), 110,
115(2) and 3(5) of the BNS and Sections 3(1)(r)(s)(w) and 3(2)
(va) of the SC/ST Act.

3. The prosecution case, in brief, is based on the



written complaint of the informant, Vidhyanchal Kumar, who is a Safai Karamchari posted in Ward No. 38 under Nagar Parishad, Ahirauli, P.S. Buxar, District Buxar, and a permanent resident of village Buxar (Old Area). It is alleged that the informant had availed 20 days' leave in connection with his marriage solemnized on 03.03.2025 and rejoined duty on 20.03.2025. After resuming work, he allegedly approached his supervisor, Ashutosh Tiwari (father of the present appellant), for payment of his pending wages, which was allegedly delayed. On 23.04.2025 at about 6:30 PM, the informant claims to have again met Ashutosh Tiwari at village Ahirauli and requested payment, whereupon he was allegedly abused by caste-based slurs and threatened by him. It is further alleged that later the same evening, at about 7:30 PM, near Ahilya Mandir in village Ahirauli, the informant was intercepted by Ashutosh Tiwari, his son Chhotu Tiwari (the present appellant), and two unknown persons, who were allegedly armed with lathi, hockey stick, and a pistol. According to the prosecution, Ashutosh Tiwari assaulted the informant on the head with the butt of a pistol causing bleeding injury, while the present appellant allegedly assaulted him with a hockey stick, resulting in fracture of the left thumb. It is alleged that all the accused persons jointly



assaulted the informant and left him on the spot presuming him to be dead. The informant is stated to have regained consciousness thereafter and was referred to Sadar Hospital, Buxar, where he was undergoing treatment at the time of lodging of the complaint.

4. Mr. Tushar Anand, learned counsel appearing on behalf of the appellant submitted that the appellant is aged about 19 years and he is innocent. In want of any specific allegation that he has used any abusive word in the name of the caste of the informant, no case under Sections 3(1)(r)(s)(w) and 3(2)(va) of the SC/ST Act is made out against the appellant. So far as the allegation of assault is concerned, it is specific against the father of the appellant that he by means of butt of pistol with an intention to kill assaulted on the head of the informant causing grievous injury. From perusal of the F.I.R. itself, it appears that the allegation against the appellant is that of assaulting the informant by means of hockey stick causing injury on his hand, which as per the opinion of the doctor, is simple in nature. The appellant has clean antecedent. On these grounds, learned counsel seeks that the appellant be released on pre-arrest bail.

5. *Per contra*, Mr. Rajeev Ranjan, learned counsel tendered his appearance on behalf of the informant and



submitted that with a common intention to kill the informant, the appellant along with his father had assaulted the informant causing grievous injury and had also used abusive word taking his caste name, the appellant don't deserve to be released on pre-arrest bail.

6. Learned Spl.PP for the State has also opposed the prayer for grant of bail to the appellant.

7. Having heard the rival submissions made on behalf of the parties, as well as, having perused the allegation made in the F.I.R., I find that the allegation against the appellant is that he had assaulted on the hand of the informant causing simple injury as per the opinion of the doctor, there is no allegation of using abusive word or taking name of the caste of the informant against the appellant rather specific allegation is against his father co-accused Ashutosh Kumar Tiwary, the incidence has taken place for non-payment of wages to the informant by the father of the appellant, I find that the appellant has, *prima facie*, made out a case to be released on pre-arrest bail.

8. The appellant, above named, is directed to be released on pre-arrest bail, in the event of his arrest or surrender before the learned District Court within a period of four weeks, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two



sureties of the like amount each to the satisfaction of the learned District Court where the case is pending in connection with Buxar (I) P.S. Case No. 100 of 2025, subject to the condition as laid down under Section 438 (2) of the Cr.P.C / 482 (2) of the BNSS.

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

(Purnendu Singh, J)

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