

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3381 of 2025**

Arising Out of PS. Case No.-148 Year-2025 Thana- GAUTAMBUDHNAGAR District-
Siwan

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Nirbhay Tiwari @ Nirbhay Kumar Tiwari S/O Kapileshwar Tiwari Resident
Of Village- Surwala Tiwari Tola, P.s. G.B. Nagar, Dist.- Siwan

... .. Appellant/s

Versus

1. The State Of Bihar Patna
2. Umrawati Devi W/O Rameshwar Ram Resident Of Village- Surwala , P.s.-
G.B. Nagar, Dist.- Siwan

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr.Ajay Kumar Tiwary
For the Respondent/s	:	Ms.Usha Kumari 1, Spl. PP
		Mr. Udit Narayan Singh
		Mr. Rajiv Kumar
		Mr. Gajendra Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

5 09-04-2026 1. Heard learned counsel for the appellant, learned
Spl. P.P. for the State, Ms. Usha Kumari No. 1 and 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 4-7-2025 in A.B.P. No. 1185 of 2025 passed by the
learned 1st Additional Sessions Judge-cum-Special Judge
S.C./S.T. (POA) Act, Siwan in connection with G.B. Ngar P.S.
Case No. 148 of 2025 registered for the offences punishable



under Sections 126(2), 115(2), 118, 109, 303(2), 352, 351(2) and 3(5) of BNS as well as Sections 3(1)(r)(s), 3(2)(va) of the SC/ST Act.

3. In compliance of the order dated 2-4-2026, the Investigating Officer of the case is present in the Court.

4. Learned counsel for the appellant submits that the appellant is a person with clean antecedent and the informant alleges that her son Vivek on 5-4-2025 at 10 pm had gone to see a fair when he was dashed by the appellant and Parmeshwar by motorcycle, on account of which an altercation took place and appellant by an iron rod assaulted Vivek causing injury on head and thereafter assaulted her son's friend by rod causing injury on hand and accused persons abused by taking caste name and took out Rs. 5,000/- from the pocket of her son.

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 informant is not an eyewitness to the occurrence nor the FIR even remotely suggests that the allegations have been alleged based on the information given by the injured. It is also submitted that from perusal of the report of the doctor, it would



manifest that doctor has recorded that the injury was due to self trauma, i.e., the injured might have met with an accident on account of which injury was caused, but then the informant for reasons best known implicated the appellant and other accused persons with the aforesaid allegations.

6. Learned Spl. P.P. for the State and the learned counsel appearing on behalf of the informant opposes the prayer for anticipatory bail of the appellant.

7. On query of the court from the Investigating Officer of the case with regard to the injury suffered by the injured, the Investigating Officer fairly submits that doctor in his report has recorded that the injuries are self trauma, thus it is submitted that as per doctor, the injury was not caused on account of assault.

8. 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.



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

10. The personal appearance of the Investigating Officer of the case is dispensed with.

(Satyavrat Verma, J)

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