

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.467 of 2025

Arising Out of PS. Case No.-218 Year-2024 Thana- ARIYARI District- Sheikhpura

Suraj Bind S/o- Siyasharan Bind Village- Sanaiya Tola Bisahiya Ps- Ariyari
Dist- Sheikhpura

... .. Appellant/s

Versus

1. The State of Bihar
2. Sitaram Manjhi S/o- Late Maruan Manjhi Village- Sanaiya Mohalla
Bihsahiya Ps- Ariyari Dist- Sheikhpura

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Bipin Kumar, Advocate
For the Respondent/s : Mr. Sadanand Paswan, SPP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

3 17-04-2025 Heard learned counsel for the appellant, learned Special
Public Prosecutor for the State. Despite issuance of notice, none
appears for the informant.

2. The instant appeal has been filed by the appellant
against the order dated 09-01-2025 passed by learned District
and Additional Sessions Judge-1st-cum-Special Judge, SC/ST
Act, Sheikhpura whereby the prayer for bail of the appellant in
connection with Ariyrari PS Case No. 218 of 2024 instituted
under Sections 126, 115, 74, 109, 329, 303(2), 352, 351 & 3(5)
of the Bharatiya Nyaya Sanhita, 2023 and Sections 3(1)(r), 3(i)
(s) & 3(2)(va) of SC/ST Act was rejected.

3. Prosecution case, in short, is that appellant has



assaulted the informant upon his head by means of iron *khanti*.

4. Learned counsel for the appellant submits that the appellant is innocent and has falsely been implicated in the present case. Charge-sheet has been submitted in this case. Learned counsel for the appellant submits that it is alleged that appellant has assaulted the informant by means of iron *khanti* due to which he sustained grievous injury. No incriminating material has been recovered from the possession of the appellant. Learned counsel for the appellant further submits that the appellant has not taken the caste name of the informant in public view. Hence, no offence under the provisions of SC/ST Act is made out against him. The appellant has no intention to disgrace the image of the informant in public view. The appellant is in custody since 25-11-2024 and has one criminal antecedent.

5. Learned Special P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case and the period of custody undergone by the petitioner, this Court is inclined to allow this appeal. Accordingly, the appeal is allowed and order dated 09-01-2025 passed by learned District and Additional Sessions Judge-1st-



cum-Special Judge, SC/ST Act, Sheikhpura is hereby set aside.

7. Let the appellant be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Ariyrari PS Case No. 218 of 2024, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the appellant.

(II) The appellant shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the appellant.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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