

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.483 of 2025

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

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1. Jiyordhan Bind @ Jirdhan Bind Son of Nagina Bind Village - Sanaiya Tola Bisahiya, Ps- Ariyari, Dist- Sheikhpura
 2. Kundan Kumar Son of Late Raja Ram Bind Village - Sanaiya Tola Bisahiya, Ps- Ariyari, Dist- Sheikhpura

... .. Appellant/s

Versus

1. The State of Bihar
2. Sitaram Manjhi Son of Late Maruan Manjhi Village - Sanaiya Tola Bisahiya, Ps- Ariyari, Dist- Sheikhpura

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Bipin Kumar, Advocate
For the Respondent/s : Mr. Binay Krishna, SPP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

5 17-09-2025 Heard learned counsel for the appellants, learned Special Public Prosecutor for the State and perused the case diary.

2. The instant appeal has been filed by the appellants against the order dated 07.12.2024 passed by learned District and Additional Sessions Judge-1st-cum-Special Judge of SC/ST Act, Sheikhpura whereby the prayer for anticipatory bail of the appellants in connection with Ariyari P.S. Case No. 218 of 2024 under Sections 126, 115, 74, 109, 329, 303(2), 352, 351, 3(5) of the Bharatiya Nyaya Sanhita, 2023 read with Sections 3(2)(va), 3(1)(s) and 3(1)(h) of SC/ST Act was rejected.



3. Prosecution case, in short, is that the informant and his family members were attacked at night by the appellants along with other co-accused persons during an attempt of theft. The accused assaulted the informant and his family members by means of lathi and iron rod causing serious injuries to them and snatched Rs. 5,000/-.

4. Learned counsel for the appellants submits that the appellants are innocent and have falsely been implicated in the present case. Charge-sheet has been submitted in this case. Learned counsel for the appellant also submits that the allegation levelled against the appellant is not specific rather the same is general and omnibus in nature. Specific allegation of abuse is against co-accused Suraj Bind. Learned counsel for the appellants further submits that the appellants have 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 them. The appellants have no intention to disgrace the image of the informant in public view. The appellants have got no criminal antecedent.

5. Learned Special P.P. for the State has vehemently opposed the prayer for grant of anticipatory bail to the appellants and submits that there is specific allegation against



the appellants along with other co-accused persons of assaulting and abusing the informant and his family members with their caste name. Learned SPP for the state has submitted that anticipatory bail petition is not maintainable as the investigation is still going on and has further placed reliance on a case of the Hon'ble Supreme Court since reported in **2025 SCC Online SC-1886 (Kiran vs. Rajkumar Jivraj Jain and Anr.)**. Hence, the appellants do not deserve the privilege of anticipatory bail.

6. Considering the aforesaid facts and circumstances of the case, specific allegation as also nature and gravity of the offence, this Court is not inclined to grant anticipatory bail to the appellants at this juncture.

7. The prayer is rejected. However, the appellants are directed to surrender in the Court below and pray for regular bail. If any such application is filed, the Court below shall consider and dispose of the same on its own merit without being prejudiced by this order.

(Rudra Prakash Mishra, J)

Rajorshi/-

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