

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2916 of 2025

Arising Out of PS. Case No.-146 Year-2025 Thana- SAKURABAD District- Jehanabad

1. Anikel Mishra @ Aniket Mishra S/O Manoj Mishra Resident Of Village- Shesamba, P.S.- Shakurabad, Dist.- Jehanabad.
2. Rahul Kumar S/O Brajesh Ojha Resident Of Village- Shesamba, P.S.- Shakurabad, Dist.- Jehanabad.
3. Risu Mishra S/O Mahendra Mishra Resident Of Village- Shesamba, P.S.- Shakurabad, Dist.- Jehanabad.

... .. Appellant/s

Versus

1. The State Of Bihar
2. Ribha Kumari D/O Ram Dev Chaudhari Resident Of Village- Baijnathganj, P.S.- Shakurabad, Dist.- Jehanabad.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Mukesh Kumar, Advocate
For the Respondent/s	:	Mrs. Usha Kumari 1, SPP
For the O.P. No. 2	:	Mr. Shwetank, Advocate

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

7 10-04-2026 Heard learned counsel for the appellants, learned Special Public Prosecutor for the State, learned counsel for the informant/Respondent No. 2 and perused the case diary. The matter has been listed before this Bench vide Minutes of Hon'ble the Chief Justice.

2. Earlier, provisional bail was granted to appellant no. 3, namely, Risu Mishra for three weeks and in terms of order dated 04.11.2025, he has surrendered before the concerned Court and surrender certificate has been submitted.



3. The instant appeal has been filed by the appellants against the order dated 01.07.2025 passed by learned 1st Additional Sessions Judge-cum-Special Judge SC/ST Act, Jehanabad whereby the prayer for bail of the appellant in connection with Shakurabad P.S. Case No. 146 of 2025, under Sections 307, 64, 62, 76, 3(5) of the Bharatiya Nyaya Sanhita, 2023, read with Sections 3(1)(r), 3(1)(s) and 3(1)(w)(i) of SC/ST Act was rejected.

4. Prosecution case, in short, is that the appellants along with co-accused persons tried to sexually assault the informant and also took her mobile phone.

5. 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 appellants also submits that the entire allegation levelled against the appellants is false and fabricated and no specific allegation has been attributed against the appellants. It is next submitted 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 are in custody since



29.05.2025. Appellant Nos. 1 and 2 have got one criminal antecedent in which they are on bail and appellant no. 3 has got no criminal antecedent.

6. Learned Special P.P. for the State and learned counsel for opposite party no. 2 have vehemently opposed the prayer for grant of bail to the appellants and submits that the appellants are named in the FIR. It is next submitted that the informant has supported the prosecution case in her statement recorded under Section 183 of the Bharatiya Nagarik Suraksha Sanhita, 2023. Hence, the appellants does not deserve the privilege of bail. It is further submitted that regular bail of co-accused has been dismissed by this Court vide order dated 13.11.2025 passed in Cr. Appeal (SJ) No. 2944 of 2025.

7. 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 bail to the appellants at this juncture.

8. Accordingly, the appeal stands dismissed. The trial Court is directed to expedite the trial.

(Rudra Prakash Mishra, J)

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