

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4051 of 2025

Arising Out of PS. Case No.-18 Year-2025 Thana- SC/ST District- Kishanganj

1. Amit Kumar @ Amit Giri S/O Ram Babu Giri R/O Village- Jalebiya More, P.S- Thakurganj, Distt.- Kishanganj.
2. Ajit Kumar Giri @ Ajit Giri S/O Ram Babu Giri R/O Village- Jalebiya More, P.S- Thakurganj, Distt.- Kishanganj.
3. Ankit Kr. Giri @ Ankit Giri S/O Ram Babu Giri R/O Village- Jalebiya More, P.S- Thakurganj, Distt.- Kishanganj.

... .. Appellant/s

Versus

1. The State of Bihar
2. Praveen Ray S/O Tetla Ray R/O Village- Jalebiya More, P.S- Thakurganj, Distt.- Kishanganj.

... .. Respondent/s

with

CRIMINAL APPEAL (SJ) No. 4753 of 2025

Arising Out of PS. Case No.-18 Year-2025 Thana- SC/ST District- Kishanganj

Santosh Giri S/O Late Rajesh Giri @ Late Rajendra Giri R/O Vill.- Jalebiya More, P.S.- Thakurganj, Dist.- Kishanganj

... .. Appellant/s

Versus

1. The State of Bihar
2. Praveen Ray S/O Tetla Ray R/O Vill.- Jalebiya More, P.S.- Thakurganj, Dist.- Kishanganj

... .. Respondent/s

Appearance :

(In CRIMINAL APPEAL (SJ) No. 4051 of 2025)

For the Appellant/s : Mr. Bhola Prasad

For the Respondent/s : Mr. Sadanand Paswan

(In CRIMINAL APPEAL (SJ) No. 4753 of 2025)

For the Appellant/s : Mr. Bhola Prasad

For the Respondent/s : Mr. Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 02-04-2026

CRIMINAL APPEAL (SJ) No.4051 of 2025

1. Heard learned counsel for the appellants and the



learned Special P.P. Mr. Sadanand Paswan for the State. No one appears on behalf of the O.P. No.2.

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 12.09.2025 passed by the learned 1st Additional Sessions Judge-cum-Special Judge, Kishanganj in connection with Kishanganj SC/ST P.S. Case No.18/2025, registered under Sections 126(2), 115(2), 74, 329(4), 351(2), 352 of the BNS as well as Sections 3(1)(r), 3 (1)(s) and 3(1) (w) of the SC/ST Act.

3. Learned counsel submits that informant despite receiving notice could not be appeared and contest the case. It is next submitted that appellants have antecedent of one case and the informant alleges that accused persons came to his house on 14.05.2025 and enquired about him from his daughter, on which, his daughter disclosed that informant is at his shop, when accused persons dashed his daughter on the ground and also assaulted him and his daughter and mother-in-law, on account of previous enmity.

4. Learned counsel for the appellants submits that appellants have been falsely implicated in the instant case by the



informant. It is next submitted that from perusal of the allegation as alleged in the FIR, it would manifest that informant himself alleges that on account of previous enmity, the occurrence is alleged to have taken place. It is next submitted that no occurrence as alleged ever took place but even presuming what has been alleged is true without admitting then the occurrence took place at the house of the informant and thus was not in public view. It is also submitted that this perhaps explains why informant despite receiving notice chooses not to appear and contest.

5. Learned Special Public Prosecutor opposes the appeal of the appellants.

6. Considering the submissions, the order impugned is set aside. Let the appellants, above named, in the event of their arrest or surrender within a period of six weeks from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs.5,000/- (rupees five thousand) each with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending in connection with the aforesaid case, subject to the conditions as laid down under Section 482(2) of the BNSS.

7. Accordingly, the impugned order is set aside and



this appeal stands allowed.

CRIMINAL APPEAL (SJ) No. 4753 of 2025

1. Heard learned counsel for the appellant and the learned Special P.P. Mr. Sadanand Paswan for the State. No one appears on behalf of the O.P. No.2.

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 12.09.2025 passed by the learned 1st Additional Sessions Judge-cum-Special Judge, Kishanganj in connection with Kishanganj SC/ST P.S. Case No.18/2025, registered under Sections 126(2), 115(2), 74, 329(4), 351(2), 352 of the BNS as well as Sections 3(1)(r), 3 (1)(s) and 3(1) (w) of the SC/ST Act.

3. Learned counsel submits that appellant has antecedent of four cases under the Excise Act and the informant alleges that accused persons came to his house on 14.05.2025 and enquired about him from his daughter, on which, his daughter disclosed that informant is at his shop, when accused persons dashed his daughter on the ground and also assaulted him and his daughter and mother-in-law, on account of previous enmity.



4. Learned counsel for the appellant submits that appellant has been falsely implicated in the instant case by the informant on account of previous enmity of the informant with Ankit, Ajit and Amit Giri. It is next submitted that the case which was instituted by the informant earlier in the said case present appellant was not an accused. It is also submitted that Ankit Giri, Ajit Giri and Amit Giri had approached this Court seeking anticipatory bail by filing Cr. Appeal (SJ) No.4051 of 2025 and the same came to be allowed by an order dated 02.04.2026, thus based on parity, anticipatory bail for the appellant is sought.

5. Learned Special Public Prosecutor opposes the appeal of the appellant.

6. Considering the submissions and also taking into consideration the order dated 02.04.2026 in Cr. Appeal (SJ) No.4051/2025, the order impugned is set aside. Let the appellant, above named, in the event of his arrest or surrender within a period of six weeks from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs.5,000/- (rupees five thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending in connection with the aforesaid case,



subject to the conditions as laid down under Section 482(2) of the BNSS.

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

(Satyavrat Verma, J)

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