

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4603 of 2025

Arising Out of PS. Case No.-309 Year-2025 Thana- BAIRIYA District- West Champaran

1. Rupesh Kumar @ Rupesh Prasad S/o Mohan Prasad R/o Village - Laukariya, Ward No. 03, P.S - Bairiya, District - West Champaran
2. Sachin Kumar @ Sachin Paswan S/o Birendra Paswan @ Vivendra Hazara R/o Village - Laukariya, Ward No. 03, P.S - Bairiya, District - West Champaran
3. Terash Manjhi @ Teras Manjhi S/o Bhadaai Manjhi R/o Village - Laukariya, Ward No. 03, P.S - Bairiya, District - West Champaran
4. Salman Ansari @ Salman Miyan S/o Khush Mohammad Miyan @ Khush Mohammad Miya R/o Village - Laukariya, Ward No. 03, P.S - Bairiya, District - West Champaran

... .. Appellant/s

Versus

1. The State of Bihar
2. Prakash Paswan S/o Rajendra Paswan R/o Village - Laukariya, Ward No. 03, P.S - Bairiya, District - West Champaran

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Ram Kishun Prasad, Advocate
For the Respondent/s : Mr. Sadanand Paswan, Special PP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 16-04-2026 Heard learned counsel appearing for the appellant and learned Special Public Prosecutor for the State.

2. The present appeal has been filed by the appellants seeking grant of bail and for setting aside the order dated 13.10.2025 passed by the learned District and Additional Sessions Judge-I-cum-Special Judge, SC/ST Act, Bettiah, West Champaran, in connection with Bairiya P.S. Case No. 309 of 2025, registered for the offences punishable under Sections



126(2), 127(2), 115(2), 109(1), 303(2), 3(5) of the Bharatiya Nyaya Sanhita, 2023, and Sections 3(1)(r)(s) and 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

3. As per the prosecution case, on 15.07.2025 at about 7:00 A.M., when the informant had gone to attend the call of nature near a river, he allegedly saw all the accused persons, including the appellants, holding one Kundan Kumar. Thereafter, all the accused persons are said to have taken him along with Kundan Kumar by boat, tied their hands, and started abusing them. It is further alleged that appellant no. 1, Rupesh Kumar, assaulted Kundan Kumar with an iron rod on his head, causing injury. Subsequently, appellant no. 3 along with co-accused Takori Manjhi allegedly assaulted the informant with lathi and danda, and appellant no. 1 allegedly snatched ₹2,000/- in cash and a locket.

4. Learned counsel for the appellants submits that the appellants are innocent and have been falsely implicated in the present case. It is further submitted that a bare perusal of the FIR would indicate that no specific place of occurrence has been mentioned, nor is there any allegation that the appellants abused the informant by taking his caste name, and therefore, no



offence under the SC/ST Act is made out. It is also contended that due to village politics, the case has been falsely instituted with frivolous allegations at the behest of the police. It is further submitted that appellant nos. 1 and 3 have criminal antecedents in three cases each, appellant no. 4 has one criminal antecedent, whereas appellant no. 2 has a clean antecedent. The appellants are ready to abide by any condition imposed by this Court.

5. Learned Special Public Prosecutor opposes the prayer for bail and submits that there are specific allegations against the appellants.

6. Upon hearing the parties and on perusal of the materials available on record, and considering the fact that the criminal antecedent of appellant no. 3 is clean, the order dated 13.10.2025 passed by the learned District and Additional Sessions Judge-I-cum-Special Judge, SC/ST Act, Bettiah, West Champaran, is hereby set aside only with respect to appellant no. 3, namely, Terash Manjhi @ Teras Manjhi. He is directed to be released on bail, in the event of his arrest or surrender before the Trial Court within a period of four weeks from today, on furnishing a bail bond of ₹30,000/- (Rupees Thirty Thousand only), as contemplated under Section 2(1)(d) of the Bharatiya Nagarik Suraksha Sanhita, 2023, to the satisfaction of the



learned Court concerned, subject to the conditions laid down under Section 482(2) of the said Code.

7. Considering the nature and gravity of the allegations and the criminal antecedents of appellant nos. 1, 2 and 4, this Court is not inclined to grant anticipatory bail to them.

8. Accordingly, the prayer for anticipatory bail of appellant nos. 1, 2 and 4 is hereby rejected.

9. However, if the said appellants surrender before the Trial Court within a period of six weeks from today, the Trial Court is directed to consider and dispose of their surrender-cum-bail application on the same day, without being prejudiced by the rejection of their anticipatory bail by this Court.

10. The present appeal stands partly allowed.

(Dr. Anshuman, J)

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