

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4628 of 2025

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

Takori Manjhi @ Takauri Manjhi@ Takaudi Amnjhi S/O Bali Manjhi R/O
Village- Laukariya, Ward No. 3, 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. 3,
P.S. Bairiya, District - West Champaran.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Bimlesh Kumar Pandey, Advocate
For the State	:	Ms. Usha Kumari 1, SPP
For Respondent no.2	:	Mr. Abhirup, Advocate

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL ORDER

3 23-02-2026 Heard learned counsel for the parties.

2. The instant appeal has been preferred against the order dated 13.10.2025 passed in Anticipatory Bail Petition no.1952 of 2025 by the learned District and Additional Sessions Judge-I-cum-Special Judge, SC/ST, Bettiah, West Champaran and for grant of anticipatory bail in connection with Bairiya P.S Case no.309 of 2025 registered under sections 126(2), 127(2), 115(2), 109(1), 303(2) and 3(5) of the Bharatiya Nyaya Sanhita, 2023 and sections 3(1)(r)(s) and 3(2)(va) of the SC and ST



(Prevention of Atrocities) Act, 1989.

3. As per the prosecution case, the informant states that he along with one another person were taken by the accused persons including the appellant herein and brutally assaulted by them.

4. Learned counsel for the appellant submits that from reading of the FIR, it would be evident that so far as the appellant is concerned, the allegation of assault against him is on the informant Prakash Paswan. Referring to the injury report at Annexure-3 series, it is submitted that the injuries found on the informant is of inflammation, swelling and redness. They have been opined to be simple in nature. The appellant has no criminal antecedent and no offence as alleged in the FIR is made out, at least from perusal of the injury report. No offence under the SC and ST Act is made out against the appellant.

5. The appeal is opposed by learned Special Public Prosecutor for the State as also the learned counsel for the respondent no.2. On having been pointed out the caste certificate of the appellant belonging to the SC category as per Annexure-2, it is not disputed that no offence under the SC and ST Act is made out against the appellant. However, learned counsel for the respondent no.2 vociferously opposes the



application for anticipatory bail of the appellant stating that the accused persons including the appellant herein took the informant and one another across the river and brutally assaulted him with the intention to murder him.

6. Having heard learned counsel for the parties and having perused the allegations in the FIR, the caste certificate of the appellant at Annexure-2, the injury report of the informant whom the appellant is said to have assaulted as contained in Annexure-3 series together with the appellant not having any criminal antecedent, the Court is inclined to allow the instant appeal.

7. The appeal is allowed and the order dated 13.10.2025 passed in Anticipatory Bail Petition no.1952 of 2025 by the learned District and Additional Sessions Judge-I-cum-Special Judge, SC/ST, Bettiah, West Champaran is set aside.

8. It is directed that the appellant above named, in the event of his arrest or surrender before the learned Court below within a period of four weeks, be released on anticipatory bail in connection with Bairiya P.S Case no.309 of 2025 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned District and Additional Sessions Judge-I-cum-Special Judge,



SC/ST, Bettiah, West Champaran.

(Partha Sarthy, J)

saurovkrishna/-

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