

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4876 of 2025

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

1. Jiyordhan Bind S/o- Nagina Bind R/v- Sanaiya Tola Bisahiya Ps- Ariyari Dist- Sheikhpura
2. Kundan Kumar S/o- Late Raja Ram Bind R/v- Sanaiya Tola Bisahiya Ps- Ariyari Dist- Sheikhpura

... .. appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the appellants/s : Mr. Dinkar Kumar, Advocate
For the Respondent/s : Ms. Usha Kumari 1, SPP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 18-04-2026 Despite valid service of notice, no one appears on behalf of the Respondent No. 2.

2. Heard Mr. Dinkar Kumar, learned counsel for the appellants as well as Ms. Usha Kumari 1, learned Spl.P.P. for the State.

3. This is an appeal under Sections 14(A)(2) against refusal of the prayer for regular bail by order dated 24.11.2025 passed by the learned Court of District & Additional Sessions Judge 1-cum-Special Judge SC/ST Act, Sheikhpura in connection with Bail Petition No. 1426 of 2025 arising out of Ariyari P.S. Case no. 218 of 2024, FIR dated 12.10.2024 registered under sections 126, 115, 74, 109, 329, 303(2), 352,



351 and 3(5) of the BNS, 2023 and sections 3(1)(r), 3(1)(s) and 3(2)(va) of the scheduled castes and scheduled tribes act (prevention of atrocities) Act.

4. According to the prosecution case, all the accused persons including these appellants entered into the house of the informant with an intention of committing loot and brutally assaulted the informant and his family members and looted Rs. 5000 and fled away.

5. Learned counsel for the appellants submits that appellant no. 2 has clean antecedent and appellant no. 1 carries one criminal antecedent other than the present one but he is on bail in the said case and they have falsely been implicated in the present case. He further submits that as per the FIR the appellant no. 1 has assaulted to one Sivan Manjhi by means of iron rod due to which he received injury and there is no specific allegation of assault against the appellant no. 2. Although Sivan Manjhi has received injury but the injury is found to be simple in nature caused by hard and blunt substance. The police have submitted charge sheet against the appellants and the appellants are in custody since 24.11.2025.

6. Learned Special Public Prosecutor for the State have vehemently opposed the prayer for bail of the appellants.



7. Considering the aforesaid facts and circumstances of the case, let the appellants, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Court of District & Additional Sessions Judge 1-cum-Special Judge SC/ST Act, Sheikhpura in connection with Bail Petition No. 1426 of 2025 arising out of Ariyari P.S. Case no. 218 of 2024, with other following conditions:-

i. Appellants shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

ii. If the appellants tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. And further condition that the court below shall verify the criminal antecedent of the appellants and in case at any stage it is found that the appellants have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the appellants. However, the acceptance of bail bonds in terms of the above-mentioned order



shall not be delayed for purpose of or in the name of verification.

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

(Rajesh Kumar Verma, J)

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