

IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr. Appeal (S.J) No. 579 of 2025

.....
Shani Bind @ Shani Kr. **.....Appellant**

Versus

1. The State of Jharkhand
2. Yogendra Ram **.....Respondents**

CORAM: HON'BLE MR. JUSTICE SANJAY PRASAD

For the Appellant : Mr. Pankaj Srivastava, Advocate
For the State : Mr. P.K Chatterjee, Spl.P.P

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Order No: 05/Dated: 15.10.2025

This Criminal Appeal has been filed on behalf of the appellant by challenging the order dated 22.05.2025 passed in A.B.P No. 306 of 2025 by the learned Additional Sessions Judge-I-cum-Special Judge, SC/ST (POA) Act, Garhwa in connection with Garhwa SC/ST P.S Case No. 06 of 2025 instituted for the offence under Sections 126(2) 115(2), 352, 351(2) and 351(3)/3(5) of B.N.S and Section 3(1)(r)(s) of SC/ST (Prevention of Atrocities Act) by which the anticipatory bail of the appellant has been rejected.

2. As per the F.I.R, the appellant is alleged to have abused the informant in the name of his caste while he was at his work place i.e. Hotel Vikas Inn. It is alleged that the appellant along with ten (10) other persons loaded with lathi and pistol came to Hotel Vikas Inn for enquiring about one Vikas Mali and when they

did not found him, they started abusing the informant in the name of his caste and the appellant started beating the informant with lathi and due to which, the informant sustained head injury and also threatened the informant of dire consequences.

3. Heard learned counsel for the appellant and learned counsel for the State.

4. Learned counsel for the appellant has submitted that the impugned order dated 22.05.2025 passed by the learned Court below is illegal, arbitrary and not sustainable in the eye of law. It is submitted that there is allegation of abuse and assault but not in public view. It is submitted that the injury sustained by the informant is simple in nature. It is submitted that in view of the law laid down by the Hon'ble Supreme Court in the case of ***Hitesh Verma versus State of Uttarakhand*** reported in ***2020 (10) SCC 710, 2021 (1) SCC (Crl) 1***, there is no public view and hence, no offence under the SC/ST Act is made out and hence, the appellant may be enlarged on anticipatory bail.

4. On the other hand, learned counsel for the State has opposed the prayer for anticipatory bail and submitted that the appellant has assaulted the informant and abused him in the name of his caste in an open view. It is submitted that several witnesses at Para-5, 6 and 7 namely Ayub Khan, Swati Kumari, Ranjit

Kumar of the case diary have supported the prosecution case and hence, the prayer for anticipatory bail of the appellant may be rejected.

5. Perused the F.I.R, Case diary and considered the submission of both the sides.

6. It appears that the appellant had assaulted the informant bitterly and also had caused injury upon his head by assaulting him by lathi and even some other persons namely Swati Kumari, Yogendra Ram and Ayub Khan were also injured in the said occurrence.

7. It appears that several witnesses at Para-5, 6 and 7 namely Ayub Khan, Swati Kumari, Ranjit Kumar of the case diary have supported the prosecution case.

8. Accordingly, this Court is not inclined to grant the anticipatory bail to the appellant namely Shani Bind @ Shani Kr.

9. Thus, this Criminal Appeal (S.J) No. 579 of 2025 is, hereby, dismissed.

(Sanjay Prasad, J.)

Dated: 15.10.2025

Avinash/