

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.205 of 2026

Arising Out of PS. Case No.-341 Year-2025 Thana- JAMOBABAZAR District- Siwan

Vivek Kumar Sharma @ Vivek Kumar S/O Shambu Sharma Resident of Vill-
Bahadurpur, P.S-Jamo Bazar, Distt.- Siwan.

... .. Appellant/s

Versus

1. The State of Bihar
2. Radhika Devi W/O Balindra Manjhi R/O Village- Bahadurpur, P.S- Jamo
Bazar, Distt.- Siwan.

... .. Respondent/s

Appearance :

For the Appellant/s : Ms. Kumari Anupam, Advocate

For the Respondent/s : Ms. Usha Kumari 1, Special P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA

ORAL ORDER

3 17-06-2026 1. Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

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 03.12.2025 in A.B.P. No. 3087 of 2025 passed by
the learned 1st Additional Sessions Judge-cum-Special Judge,
Siwan in connection with Jamo Bazar P.S. Case No. 341 of 2025
registered under Sections 126(2), 115, 118(2) and 3(5) of the
BNS as well as Sections 3(1)(r), 3(1)(s) and 3(2)(va) of the
SC/ST Act.

3. Learned counsel appearing on behalf of the



appellant submits that from perusal of the office report dated 21.04.2026, it would manifest that the ordinary notice has been validly served upon the respondent no 2 but then the respondent no. 2, despite receiving the notice, chooses not to appear and contest.

4. Learned counsel appearing on behalf of the appellant submits that appellant has antecedent of one case and the informant alleges her son Sukesh works outside the village. Further, Vivek and Amit are boys of criminal nature and whenever son of the informant comes to the village, the accused persons including the appellant abused him by taking caste name. Further, on 19.08.2025, the son of the informant had come home, when the accused persons started abusing him and when he objected, he was assaulted on account of which he became unconscious and was taken to the hospital.

5. Learned counsel for the appellant submits that appellant has been falsely implicated in the instant case by the informant. It is further submitted that from perusal of the allegation as alleged in the FIR, it would manifest that allegation of abuse and assault is general and omnibus in nature. It is next submitted that the order impugned records that even the injury suffered by the injured has been opined to be simple



in nature, as such, it appears that an exaggerated allegation has been alleged that her son became unconscious on account of assault and was taken to the hospital. It is also submitted that this perhaps explains why the respondent no. 2 despite receiving the notice chooses not to appear and contest.

6. Learned Special Public Prosecutor for the State opposes the prayer for anticipatory bail of the appellant.

7. Considering the submissions made by the learned counsel appearing on behalf of the appellant, 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 bonds of Rs.5,000/- (Rupees Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Trial Court where the case is pending in connection with the aforesaid case, subject to the conditions as laid down under Section 438(2) of the Cr.P.C./482(2) of the B.N.S.S.

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

(Satyavrat Verma, J)

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