

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.302 of 2026

Arising Out of PS. Case No.-334 Year-2025 Thana- PAROO District- Muzaffarpur

Manish Kumar Son of Mohan Bhagat R/o Village - Koiria Nizamat, P.S. -
Paru, Dist. - Muzaffarpur(Bihar).

... .. Appellant/s

Versus

1. The State of Bihar
2. Dilip Kumar Son of Birendra Bhagat R/o Village - Koiria Nizamat, P.S. -
Paru, Dist. - Muzaffarpur(Bihar).

... .. Respondent/s

Appearance :

For the Appellant	:	Mr. Arun Kumar, Advocate
For the State	:	Mr. Sadanand Paswan, Spl.PP
For the Informant	:	Mr. Upendra Kumar Chaubey, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 30-04-2026 Heard learned counsel appearing for the appellant,

learned Special Public Prosecutor appearing for the respondent-

State and learned counsel appearing for the

informant/Respondent No. 2.

2. This appeal has been filed for setting aside order dated 15.11.2025 passed in a case registered for the offence punishable under Sections 191(2), 191(3), 190, 126(2), 115(2), 109, 103(1), 352, 351(2) and 351(3) of the B.N.S., Section 27 of the Arms Act and Section 3(i)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, whereby the prayer for grant of anticipatory bail of this appellant has been rejected.



3. As per prosecution case, informant alleges that 15 named accused persons, including this appellant, reached the medicine shop of informant and assaulted his brothers. It is further alleged that co-accused Arvind Bhagat fired upon Jitendra Kumar Bhagat and Jaiprakash Bhagat.

4. It is submitted by learned counsel appearing on behalf of the appellant that appellant is quite innocent and has committed no offence. Allegation of assault is general and omnibus and no specific accusation of overt act has been alleged against this appellant. From bare perusal of the F.I.R. it is apparent that specific accusation of firing is against co-accused Arvind Bhagat. It is further submitted that it is not the case of the prosecution that any member of public was present at the place of occurrence and as such, no case under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act is made out against this appellant. It is lastly submitted that co-accused Surendra Bhagat, having similar and identical allegations, has already been granted the privilege of anticipatory bail by a Co-ordinate Bench of this Hon'ble Court vide order dated 17.02.2026 passed in *Cr. Appeal (SJ) No. 4661 of 2025*.

5. Learned Spl. P.P. appearing for the respondent-State



and learned counsel appearing for the informant/Respondent No. 2 have vehemently opposed the prayer for grant of bail to the appellant.

6. Considering the facts and circumstances of the case, general and omnibus nature of accusation and claim based on parity, this appeal is allowed and the impugned order dated 15.11.2025 passed by the learned Special Judge, SC/ST (POA) Act, Muzaffarpur in connection with Paru P.S. Case No. 334 of 2025 is hereby set aside with respect to this appellant only.

7. Accordingly, let the appellant, named above, in the event of arrest/surrender within a period of eight weeks from the date of receipt/production of a copy of this order, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, SC/ST (POA) Act, Muzaffarpur in connection with Paru P.S. Case No. 334 of 2025.

(Prabhat Kumar Singh, J)

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