

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.336 of 2026

Arising Out of PS. Case No.-586 Year-2025 Thana- BAIRIYA District- West Champaran

Prince Kumar Son of Manoj Kushwaha @ Manoj Prasad Resident Of Village-
Balua Rampurwa, Ps- Bairiya, Dist -West Champaran

... .. Appellant/s

Versus

1. The State of Bihar
2. Rajeshwar Manjhi, PTC 830 Posted At Dial 112 Ps, Bairiya, Dist- West Champaran bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Ram Kishun Prasad, Advocate
For the Respondent/s : Mr. Binay Krishna, Spl. PP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 20-04-2026 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 05.01.2026 in A.B.P. No. 3116/2025 passed by the learned Additional Sessions Judge, 1st cum Special Judge, SC/ST Act, in connection with Bairiya P.S. Case No. 586 of 2025 registered under Sections 126(2), 115(2), 191(2), 117(2), 190, 132, 121(1), 352, 351(2), 3(5) of the B.N.S. and Sections 3 (i)(r) (s) 3(2) (va) of the SC/ST Act.



3. Learned counsel appearing on behalf of the appellants submits that appellants have antecedents of four cases but then three cases are under the Excise Act. It is also submitted that once an accused is implicated in a case relating to excise, the Police started implicating mechanically. It is next submitted that informant alleges that on 05.12.2025 at about 20.45 P.M. while he alongwith police personal at Malhi Nahar Chowk were crossing where eleven named accused persons including the appellant came and started abusing him by taking caste name and Alok, Chandan and Raj Kumar assaulted and damaged the police vehicle and Chandan was arrested.

4. Learned counsel for the appellant submits that appellant has been falsely implicated in the instant case by the informant. It is next submitted that from perusal of the allegation as alleged in the FIR, it would manifest that no specific allegation of abuse and assault is alleged against the appellant. It is next submitted that the specific allegation of abusing the informant by taking caste name and assaulting is against Alok, Chandan and Raj Kumar. It is further submitted that the informant is the police official and thus is represented by learned Special PP. It is also submitted that it does not probable that all the accused in one would have abused.



5. Learned Special Public Prosecutor for the State opposes the prayer for anticipatory bail of the appellant but then was not in a position to rebut the submission made by learned counsel appearing on behalf of the appellant that no specific allegation of abuse and assault is alleged against the appellant.

6. After hearing the learned counsel for the parties and considering the submissions made by the learned counsel appearing on behalf of the appellant, the order impugned dated 05.01.2026 is set aside.

7. 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) each 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 Bairiya P.S. Case No. 586 of 2025, 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. The appeal stands allowed.

(Satyavrat Verma, J)

Ranjeet/-

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