IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.444 of 2026

CNR No. BRHC010117752026

Arising Out of PS. Case No.-95 Year-2025 Thana- JAMHOR District- Aurangabad

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1. Sanjit Kumar @ Sanjit Saw Son of Ashok Saw R/o Village - Pipra Tola, Gulzar Bigha, P.S. - Jamhore, Dist - Aurangabad.
2. Dablu Kumar Son of Rajendra Saw R/o Village - Pipra Tola, Gulzar Bigha, P.S. - Jamhore, Dist - Aurangabad.

... ... Appellant/s

Versus

1. The State of Bihar
2. Dhirendra Kumar Son of Jagdish Rajvanshi R/o Village - Pipra Tola, Gulzar Bigha, P.S. - Jamhore, Dist - Aurangabad.

... ... Respondent/s

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Appearance :
For the Appellants : Ms. Mukul Kumari, Advocate
For the State : Mr. Sadanand Paswan, Spl.PP
For the Informant : N o n e

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH

ORAL ORDER

4 29-10-2026 Heard learned counsel appearing for the appellants and learned Special Public Prosecutor appearing for the respondent-State.

2. Despite valid service of notice, no body appears on behalf of the informant/Respondent No. 2.

3. This appeal has been filed for setting aside order dated 16.10.2025 passed in a case registered for the offence punishable under Sections 126(2), 115(2), 351(2), 352 and 3(5) of the B.N.S. and Sections 3(1)(r)(s) and 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of

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Atrocities) Act, whereby the prayer for grant of anticipatory bail of these appellants has been rejected.

4. As per prosecution case, informant, namely Dhirendra Kumar, alleged that on 12.04.2025 at about 7 PM, all the F.I.R. named accused persons, including these appellants, came, assaulted informant and his friends with kicks and fists and abused them with caste based slurs.

5. It is submitted by learned counsel appearing on behalf of the appellants that appellants are quite innocent and have committed no offence. As a matter of fact, both parties are co-villagers and close door neighbours and on account of petty dispute, simple altercation took place between them and taking advantage of the situation, this false and concocted case has been lodged. Allegation of assault is general and omnibus and no specific accusation of overt act has been alleged against these appellants. 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 these appellants.

6. Learned Spl. P.P. appearing for the respondent-State has opposed the prayer for grant of bail to the appellants.

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7. Considering the facts and circumstances of the case and general and omnibus nature of accusation, this appeal is allowed and the impugned order dated 16.10.2025 passed by the learned District and Additional Sessions Judge-1st-cum-Special Judge (SC/ST, NDPS & Children Act), Aurangabad in connection with A.B.A. No. 1879 of 2025 arising out of Jamhore P.S. Case No. 95 of 2025 is hereby set aside with respect to these appellants only.

8. Accordingly, let the appellants, 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) each with two sureties of the like amount each to the satisfaction of learned District and Additional Sessions Judge-1st-cum-Special Judge (SC/ST, NDPS & Children Act), Aurangabad in connection with Jamhore P.S. Case No. 95 of 2025.

(Prabhat Kumar Singh, J)

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