

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.470 of 2026

Arising Out of PS. Case No.-136 Year-2025 Thana- BHAGALPUR KOTWALI District-
Bhagalpur

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Sumit Kumar @ Sumit Raj S/o Manoj Rai R/o Village - Bhikhanpur Gumti
No. 2, Near - Bishahari Asthan, Bhatta Road, P.S- Ishakchak, District -
Bhagalpur

... .. Appellant/s

Versus

1. The State of Bihar
2. Jeevan Paswan S/o Late Badri Paswan R/o Village - Bhikhanpur Gumti No.
1, P.S- Ishakchak, District - Bhagalpur

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Ranjan Kumar Jha, Advocate
For the Respondent/s : Mr. Binay Krishna, Spl.P.P.

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 15-07-2026 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. 2804 of 2025 passed by
the learned District & Additional Sessions Judge-III-cum-
Special Judge, SC/ST Act, Bhagalpur in connection with
Kotwali P.S. Case No. 136 of 2025 registered under Sections
191(2), 191(3), 190, 352, 351(2), 115(2), 118(1), 109, 324(4)
and 303(2) of the BNS as well as Sections 3(i)(r)(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 13.05.2026, it would manifest that the notice has been validly served on the respondent no. 2 but then respondent no. 2 despite receiving the notice, chooses not to appear and contest. It is further submitted that appellant is a person with clean antecedent and the informant alleges that during immersion of Goddess Kali, ruckus was created by the accused persons and Raj Kumar @ Gudu assaulted him by *farsa* causing injury on his head and thereafter Amit was also assaulted causing injury on his head. It is further alleged that Dhiraj and Shubham were also assaulted by sword by the accused persons causing injury and when Neeraj tried to call for help, he was threatened. It is next alleged that Rs.60,000/- given by the committee for immersion procession along with idol gold necklace, silver anklet and other jewelleryes were looted and even hand of the idol was broken.

4. 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 no specific allegation is alleged against the appellant. It is next



submitted that there are two groups i.e. Yuva Shakti Kali Pooja Samitee and Kali Pooja Maha Samitee and appellant is not the member of any of the aforesaid groups. It is, thus, submitted that this perhaps explains why the respondent no. 2, despite receiving the notice, chooses not to appear and contest.

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

6. 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.

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

(Satyavrat Verma, J)

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