

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.459 of 2026

Arising Out of PS. Case No.-39 Year-2025 Thana- SC/ST District- Saharsa

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1. Mrityunjay Kumar @ Mirtunjay Kumar S/O Ramchandra Sah R/O Village- Kachra, ward no. 15, P.S.- Saur Bazar, Dist.- Saharsa.
 2. Shikshanjay Kumar S/O Ramchandra Sah R/O Village- Kachra, ward no. 15, P.S.- Saur Bazar, Dist.- Saharsa.

... .. Appellant/s

Versus

1. The State of Bihar
2. Most. Sukumari Devi W/O late Kapal Sada R/O Village- Kachra, ward no. 15, P.S.- Saur Bazar, Dist.- Saharsa.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Raja Surendra Mohan, Advocate
For the State	:	None
For Respondent no.2	:	Mr. Pramod Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 16-04-2026 Heard learned counsel for the appellants and learned counsel for the respondent no.2. No one appears on behalf of the State.

2. The instant appeal has been preferred against the order dated 13.1.2026 passed in Anticipatory Bail Petition no.942 of 2025 by the learned Additional Sessions Judge-I-cum-Special Judge, SC/ST (POA) Act, Saharsa and for grant of anticipatory bail in connection with SC/ST P.S Case no.39 of 2025 registered under sections 126(2), 115(2), 117(2), 109, 352, 351(2) and 3(5) of the Bharatiya Nyaya Sanhita, 2023 and sections 3(1)(d), 3(1)(dh), 3(1)(za) and 3(2)(v) of the SC and ST (Prevention of Atrocities) Act, 1989.



3. As per the prosecution case, the informant states that as a result of a trivial dispute relating to the goat having entered into the agricultural land of Mrityunjay Sah, the accused persons including the two appellants herein abused and assaulted them. Thereafter Mrityunjay Kumar is said to have assaulted Vikram Kumar on his head with a *khanti*/rod as a result of which her son fell down unconscious.

4. Learned counsel for the appellants submits that the appellants have been falsely implicated in the case. The manner of occurrence is other than what has been narrated in the FIR. No overt act has been alleged against the appellant no.2. So far as the appellant no.1 is concerned, the injury on the son of the informant has been found to be simple in nature. The appellants have no criminal antecedent and undertake to cooperate in the investigation/trial.

5. The appeal is opposed by learned counsel for the respondent no.2 who submits that there is direct allegation against the appellants of having abused and assaulted the informant and the members of her family. There is direct and specific allegation against the appellant no.1 of having assaulted the son of the informant with a *khanti*/iron rod on his head which is a vital part of the body, though the injury may have been found to be simple in nature.



6. Having heard learned counsel for the parties and taking into consideration the allegation against the appellants in the FIR, the injury having been found on the son of the informant to be simple in nature together with the appellants not having any criminal antecedent, the Court is inclined to allow the instant appeal.

7. The appeal is allowed and the order dated 13.1.2026 passed in Anticipatory Bail Petition no. 942 of 2025 by the learned Additional Sessions Judge-I-cum-Special Judge, SC/ST (POA) Act, Saharsa rejecting the prayer for anticipatory bail of the appellants is hereby set aside.

8. It is directed that both the appellants above named, in the event of their arrest or surrender before the learned Court below within a period of four weeks, be released on anticipatory bail in connection with SC/ST P.S Case no.39 of 2025 on each of them furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-I-cum-Special Judge, SC/ST (POA) Act, Saharsa.

(Partha Sarthy, J)

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