

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.588 of 2026**

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

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Rishi Raj @ Rishi Kumar @ Attu, Son of Manoj Rai, Resident of 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, Son of Late Badri Paswan, Resident of Bhikhanpur Gumti  
No. 1, P.S.- Ishakchak, District- Bhagalpur

... .. Respondent/s

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**Appearance :**

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|---------------------|---|-------------------------------|
| For the Appellant/s | : | Mr.Ranjan Kumar Jha, Advocate |
| For the State       | : | Mr.Sadanand Paswan, Spl.P.P.  |

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**CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA**  
**ORAL JUDGMENT**

**Date : 17-07-2026**

Heard learned counsel for the appellant and learned  
Special PP for the State. However, even after the valid service of  
notice, none has entered appearance on behalf of the respondent  
no.2.

2. This is an appeal under Section 14(A)(2) of the  
Scheduled Castes and Scheduled Tribes (Prevention of  
Atrocities) Act, 1989 against the refusal of prayer for  
anticipatory bail by order dated 05.01.2026 passed by the  
learned 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), 303(2) of BNS and Sections 3(1) (r) (s)/ 3 (2) (va) of the SC/ST Act.

3. As per prosecution case, a dispute over immersion of idol of Goddess Kali, the co-accused persons abused the informant taking his caste name and the appellant and other co-accused persons attacked the informant and his associates causing a number of injuries to them. They also snatched Rs.60,000/-, golden chain, silver *payal* and other ornaments.

4. The learned counsel for the appellant submits that the appellant is innocent and has been falsely implicated in this case. There is no allegation against the appellant that he abused the informant or any other person by taking his caste name and this allegation is specific against co-accused Guddu Tanti @ Raj Kumar. Further, there is no specific allegation of assault against the appellant and this allegation of assault is also specific against co-accused Guddu Tanti @ Raj Kumar. Altogether 32 persons have been made accused in this case along with some unknown persons. Though there is allegation of assault by *farsa* and sword, but the doctor has not found any such injuries caused by sharp weapon. The learned counsel further submits that the appellant has no concern with any *Pooja* Committee and due to dispute between two *Pooja* Committees, the informant has



falsely implicated the appellant and other co-accused persons. The learned counsel further submits that similarly placed co-accused person, namely Sumit Kumar @ Sumit Raj has been granted anticipatory bail by the learned Coordinate Bench of this Court vide order dated 15.07.2026 passed in Cr. Misc. No.470/2026. The learned counsel also submits that the appellant is having clean antecedent.

5. The learned Special PP vehemently opposes the submission made on behalf of the appellant. The learned Special PP submits that the appellant and other co-accused persons abused and assaulted the informant and his associates.

6. Perused the records.

7. Having regard to the facts and circumstances of the case and submissions made on behalf of the parties and considering the doubtful and non-specific nature of allegation against the appellant and further considering the grant of bail to the similarly placed co-accused person and further considering the clean antecedent of the appellant and also considering the *prima facie* absence of any cogent material against the appellant to make out a case under the provisions of SC/ST Act, let the appellant above named, in the event of his arrest or surrender before the court concerned within a period of eight weeks from



today, be released on bail, on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-III-cum-Special Judge, SC/ST Act, Bhagalpur, in connection with Kotwali P.S. Case No. 136 of 2025, subject to the condition as laid down under Section 482(2) of BNSS and other following conditions:

- (i) One of the bailors will be a close relative of the appellant.
- (ii) The appellant will remain present on each and every date fixed by the court below, if so required by the learned trial court.

8. Accordingly, the impugned order is set aside and the appeal is allowed.

**(Arun Kumar Jha, J)**

V.K.Pandey/-

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| AFR/NAFR          | NAFR       |
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