

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.850 of 2026**

Arising Out of PS. Case No.-22 Year-2026 Thana- KUSHESHWARASTHAN District-
Darbhanga

Laipit Jha @ Lopit Jha S/O Late Ram Swaroop Jha R/O Vill.- Harinagar, P.S.-
Kusheshwar Asthan, Dist.- Darbhanga.

... .. Appellant/s

Versus

1. The State of Bihar
2. Asharfi Paswan S/O Late Saryug Paswan R/O Vill.- Harinagar, P.S.-
Kusheshwar Asthan, Dist.- Darbhanga.

... .. Respondent/s

Appearance :

For the Appellant/s : Ms. Mili Kumari, Advocate
For the Respondent/s : Mr.Usha Kumari 1, Spl.P.P.

**CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER**

2 19-03-2026 Heard learned counsel for the appellant, learned
Special Public Prosecutor for the State and learned counsel for
the respondent.

2. The instant appeal has been filed by the appellant against the order dated 18.02.2026 passed by learned Exclusive Special Judge, SC/ST (POA) Act, Darbhanga whereby the prayer for bail of the appellant in connection with Kusheshwarsthan P.S. Case no. 22 of 2026 under Sections 126(2), 115(2), 109(1), 118(1), 118(2), 117(2), 74, 303(2), 324(5), 329(4), 191(2), 191(3), 190, 61(2) of B.N.S. and Sections 3(1) (r), 3(i), (s), (2) (v) 3(2) (v) of SC/ST (POA) Act was rejected.



3. The case of the prosecution is that the wages of respondent's son was remaining in one Hemkant Jha and on this score, there was dispute. On 01.0.2026, the son of the respondent was returning after purchasing vegetables. It is alleged that the appellant along with other 69 named persons and 100-150 unknown persons assaulted the son of the respondent with rod, farsa, dabiya and brick. It is further alleged that he was being abused with the caste name. It is further alleged that Foolkant Jha ordered to kill and on his order, Hemkant Jha, Srikant Jha and others have assaulted with iron rod on the head of the respondent's son.

4. It is submitted by learned counsel for the appellant that appellant has been falsely implicated in this case. From perusal of the FIR, it is clear that seventy accused persons are named and 100-150 accused persons are unnamed. From perusal of the injury report of the Vikram Paswan, it appears that, he has received one injury. He has further submitted that if for a moment, it is taken that the injury received by the son of the respondent is grievous, in that case also, the nature of allegation is general and omnibus. There is no specific allegation against the appellant. A statement has been made in para-3 of this petition that the appellant has got no criminal antecedent.



Moreover, the appellant is languishing in judicial custody since 01.02.2026.

5. The appeal for bail is opposed by learned Spl. P.P. for the State and learned counsel for the respondent and has submitted that in this case, a mob has assaulted the members of the SC/ST community which is apparent from the order of the learned trial court.

6. Having heard learned counsel for the parties and taking into consideration that there is no any specific overt act against the appellant, the Court is inclined to allow this appeal. Accordingly, the appeal is allowed and the impugned order dated 18.02.2026 is hereby set aside.

7. The appellant is directed to be enlarged on bail in connection with Kusheshwarsthan P.S. Case No. 22 of 2026 on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge, SC/ST (POA) Act, Darbhanga.

(Ashok Kumar Pandey, J)

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