

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.964 of 2026

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

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1. Rahul Sharma @ Rahul Kumar Sharma S/O Lalu Sharma @ Mahesh Prasad Sharma R/O Mohalla- Badhai Tola, Bhikhanpur, Gumti No. 12, P.S- Ishachak, Distt.- Bhagalpur.
 2. Bittu Sharma @ Bittu Kumar S/O Lalu Sharma @ Mahesh Prasad Sharma R/O Mohalla- Badhai Tola, Bhikhanpur, Gumti No. 12, P.S- Ishachak, Distt.- Bhagalpur.

... .. Appellant/s

Versus

1. The State of Bihar
2. Jivan Paswan S/O Late Badri Paswan R/O Mohalla- Bhikhanpur Gumti No. 1, P.S- Ishachak, Distt.- Bhagalpur.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Rajeev Kumar Sinha, Advocate
For the Respondent/s : Mr. Sadanand Paswan, Spl.PP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

3 17-07-2026 Heard learned counsel for the appellants, the State. The respondent no. 2 is unrepresented despite the office note reporting that the notices through both modes have been validly served upon him.

2. The present appeal has been filed for setting aside the order dated 05.01.2026 passed by the learned District and Additional Sessions Judge III cum Special Judge SC/ST Act, Bhagalpur in connection with Kotwali P.S. Case No. 136 of 2025 registered for the offence punishable under sections 191(2)/191(3)/190/352/351(2)/115(2)/118(1)109/324(4)/303(2) of B.N.S. and Section 3(1)(r)(s), 3(2)(va) of the SC/ST Act



whereby the prayer for anticipatory bail of the appellant has been rejected.

3. As per the prosecution story, on the point of taking their respective idols for immersion, allegation is that Guddu Tanti @ Raj Kumar abused by taking caste name which stands recorded in the F.I.R. Further, along with others, they resorted to assault and allegation is that Raj Kumar @ Guddu Tanti gave '*farsa*' blow on the head to him as also Amit Kumar. When Dheeraj Kumar came to rescue, Narayan Ram gave *sword* blow, Shubham Kumar was again assaulted by *sword* while Neeraj lost his mobile. They also damaged the idol and this led to the F.I.R.

4. Learned counsel for the appellant submits that perusal of the F.I.R. would show that main allegation is against the named accused and not against these two appellants whose names have been incorporated in the F.I.R and omnibus allegation is there that all assaulted. Further, without accepting the allegation and/or the outcome of the present petition, learned counsel for the petitioner submits that they intend to contribute Rs. 5,000/- each (totalling Rs. 10,000/-) to the Chief Minister's Relief Fund.

5. As respondent no. 2 despite valid service of notice has not appeared, learned Spl.P.P. opposes the prayer submitting that omnibus allegation is against all the appellants, though he concedes that so far as



taking caste name is concerned, it is mainly restricted to Raj Kumar @ Guddu Tanti.

6. Considering the submissions aforesaid as also the fact that these two appellants have no criminal antecedent and allegation of taking caste name is not there, in that background, this Court is inclined to extend them relief subject to payment of Rs. 5,000/- each (totalling Rs. 10,000/-) to the Chief Minister's Relief Fund through Demand Draft and the receipt be submitted to the learned trial Court.

7. The impugned order dated 05.01.2026 stands set aside and the appeal is allowed.

8. 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 in connection with sureties of the like amount each to the satisfaction of the learned District and 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 following conditions:

(i) one of the bailor should be the family member/relative of the appellants who shall provide official document to show his/her bona fide;



(ii) the appellants shall be appearing before the Police Station as and when required for cooperating in the investigation;

(iii) the appellants shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of their bail bond by the Trial Court itself;

(iv) the appellants shall appear before the concerned police station every month for six months to mark his attendance and after the end of the period, the certificate shall be submitted before the Trial Court failing which steps shall be taken for the cancellation of the bail bonds;

(v) the appellants shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(vi) the appellants shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of their bail bonds.

(Rajiv Roy, J)

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