IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.874 of 2026

CNR No. BRHC010224042026

Arising Out of PS. Case No.-430 Year-2025 Thana- RAJAON District- Banka

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1. Mithu Sharma @ Mitthu @ Mithlesh Sharma @ Mithu S/o Shiv Sharma R/o Village- Punsiya, PS- Rajoun, District- Banka
2. Sanni Kumar S/o Mithu Sharma @ Mithu @ Mithlesh Sharma R/o Village- Punsiya, PS- Rajoun, District- Banka
3. Sourav Kumar S/o Sikko Sharma @ Sikendra Kumar Sharma R/o Village- Punsiya, PS- Rajoun, District- Banka

... ... Appellant/s

Versus

1. The State of Bihar
2. Subodh Das S/o Upendra Das R/o Village- Punsiya, PS- Rajoun, District- Banka

... ... Respondent/s

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Appearance :
For the Appellants : Mr. Brij Nandan Prasad, Advocate
For the State : Mr. Sadanand Paswan, Spl.PP
For the Informant : Mr. Vibhakar Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH

ORAL ORDER

4 29-10-2026 Heard learned counsel appearing for the appellants, learned Special Public Prosecutor appearing for the respondent-State and learned counsel appearing for the informant/Respondent No. 2.

2. This appeal has been filed for setting aside order dated 12.02.2026 passed in a case registered for the offence punishable under Sections 126(2), 115(2), 303(2), 351(2), 352,

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109(1) and 3(5) of the B.N.S. and Section 3(i)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, whereby the prayer for grant of anticipatory bail of these appellants has been rejected.

3. The prosecution case, in brief, is that on 16.11.2025 at about 10 AM, while the informant was returning home from his workplace, in the meantime, all four F.I.R. named accused persons, including these appellants, stopped his motorcycle and assaulted him with fist, slaps and iron rod. It is further alleged that the accused persons also abused him with caste based slurs and threatened him of dire consequences.

4. It is submitted by learned counsel appearing on behalf of the appellants that appellants are quite innocent and have committed no offence. From bare perusal of the F.I.R. it is apparent that specific accusation of assault is against co-accused Karan @ Chotu. So far as these appellants are concerned, there is general and omnibus nature of allegations and no specific accusation of overt act has been levelled against them. Moreover, doctor has found the injuries, allegedly caused by these appellants, to be simple in nature. It is further submitted that it is not the case of the prosecution that any member of public was present at the place of occurrence and as such, no

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case under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act is made out against these appellants. Appellants claim clean antecedents.

5. Learned Spl. P.P. appearing for the respondent-State and learned counsel appearing for the informant/Respondent No. 2 have vehemently opposed the prayer for grant of bail to the appellants.

6. Considering the facts and circumstances of the case, general and omnibus nature of accusation, nature of injuries allegedly caused by these appellants and clean antecedents this appeal is allowed and the impugned order dated 12.02.2026 passed by the learned District and Additional Sessions Judge-I-cum-Special Judge, SC/ST (POA) Act, Banka in connection with A.B.P. No. 86 of 2026 arising out of Rajoun P.S. Case No. 430 of 2025 is hereby set aside with respect to these appellants only.

7. Accordingly, 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 sureties of the like amount each to the satisfaction of learned District and Additional Sessions Judge-I-cum-Special

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Judge, SC/ST (POA) Act, Banka in connection with Rajoun P.S. Case No. 430 of 2025.

(Prabhat Kumar Singh, J)

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