

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.949 of 2026

Arising Out of PS. Case No.-917 Year-2025 Thana- MOHANIYA District- Kaimur (Bhabua)

1. Shakti Singh S/O Madan Singh R/O Village- Usari, P.S- Mohania, Distt.- Kaimur (Bhabua).
2. Priyanshu Singh S/O Bablu Singh R/O Village- Usari, P.S- Mohania, Distt.- Kaimur (Bhabua).
3. Ansh Singh S/O Late Ghurahu Singh @ Late Gaurav Singh @ Satendra Narayan Singh R/O Village- Usari, P.S- Mohania, Distt.- Kaimur (Bhabua).
4. Shanku Tiwary S/O Keshav Tiwari R/O Village- Usari, P.S- Mohania, Distt.- Kaimur (Bhabua).

... .. Appellant/s

Versus

1. The State of Bihar
2. Akash Kumar @ Akash Paswan S/O Daodar Paswan R/O Village- Usari, P.S- Mohania, Distt.- Kaimur, Bhabua.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Pawan Kumar Singh, Adv.
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 and learned counsel representing the respondent no. 2, Mr. Randhir Kumar No. 1.

2. The present appeal has been filed for setting aside the order dated 19.02.2026 passed by the learned Additional Sessions Judge-1st, Kaimur at Bhabua in connection with Mohania P.S. Case No. 917 of 2025 registered for the offence punishable under sections 126(2), 115(2), 109(1) 352, 351(2), 351(3) of B.N.S. and section 3(1)(r)(s), 3(2)(v) of SC/ST Act



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

3. As per the prosecution story, the informant alleged that on 06.11.2025, he had gone to the shop for purchasing household articles, on the way, Priyanshu Singh started abusing him and further upon objection, assaulted. As the family members arrived, the allegation is that other accused also joined him in assaulting and Shanku Tiwari gave iron-rod blow on the head beside taking the caste name. This led to the F.I.R.

4. Learned counsel for the appellants submit that so far as assault part is concerned, omnibus allegation is against all except Shanku Tiwari that he gave iron-rod blow on the head and took caste name. The further submission is that all the appellants have no criminal antecedent.

5. Learned counsel for the respondent no. 2, on the other hand, opposes the prayer submitting that omnibus allegation is against all, and further, taking caste name as also the assault on the head theory has been assigned to the appellant no. 4, Shanku Tiwari.

6. Taking into account the submissions aforesaid, so far as appellant no. 4, Shanku Tiwari is concerned, his prayer for anticipatory bail stands rejected.



7. Regarding the appellant nos. 1, 2 and 3 namely, Shakti Singh, Priyanshu Singh and Ansh Singh respectively are concerned, considering that omnibus allegation is there and they do not have criminal antecedent as also injury has been found to be simple in nature and no allegation of caste abuse is against them, in that background, this Court is inclined to extend them relief.

8. The impugned order dated 19.02.2026 stands set aside and the appeal is allowed with respect to appellant nos. 1, 2 and 3 namely, Shakti Singh, Priyanshu Singh and Ansh Singh respectively.

9. Let the appellant nos. 1, 2 and 3 namely, Shakti Singh, Priyanshu Singh and Ansh Singh respectively, 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, Additional Sessions Judge-1st, Kaimur at Bhabua in connection with Mohania P.S. Case No. 917 of 2025 subject to the following conditions:

(i) one of the bailor should be the family member/relative of the appellant nos. 1, 2 and 3 namely, Shakti



Singh, Priyanshu Singh and Ansh Singh respectively who shall provide official document to show his/her bona fide;

(ii) the appellant nos. 1, 2 and 3 namely, Shakti Singh, Priyanshu Singh and Ansh Singh respectively shall be appearing before the Police Station as and when required for cooperating in the investigation;

(iii) the appellant nos. 1, 2 and 3 namely, Shakti Singh, Priyanshu Singh and Ansh Singh respectively 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 appellant nos. 1, 2 and 3 namely, Shakti Singh, Priyanshu Singh and Ansh Singh respectively 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 appellant nos. 1, 2 and 3 namely, Shakti Singh, Priyanshu Singh and Ansh Singh respectively 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 appellant nos. 1, 2 and 3 namely, Shakti Singh, Priyanshu Singh and Ansh Singh respectively 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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