IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.915 of 2026

CNR No. BRHC010239292026

Arising Out of PS. Case No.-4 Year-2026 Thana- Rasalpur District- Bhagalpur

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Kundan Kumar @ Kundan Kumar Kushwaha S/o Shiv Prasad Kushwaha @ Sibu Prasad Kushwaha R/o Village - Purab Tola Bholsar, P.S - Rasalpur, District - Bhagalpur

... ... Appellant/s

Versus

1. The State of Bihar
2. Rani Devi W/o Murari Harijan R/o Village - Purab Tola Bholsar (Jichhu Pockhar), P.S - Rasalpur, District - Bhagalpur

... ... Respondent/s

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Appearance :
For the Appellant : Mr. Rajive Ranjan Singh, Advocate
For the State : Mr. Binay Krishna, Spl.PP
For the Informant : Mr. Rajesh Kr. Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH

ORAL ORDER

5 29-10-2026 Heard learned counsel appearing for the appellant, 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 18.02.2026 passed in a case registered for the offence punishable under Sections 126(2), 115(2), 117(2), 109, 352, 351(2) and 3(5) of the B.N.S. and Section 3(i)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, whereby the prayer for grant of anticipatory bail

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of this appellant has been rejected.

3. The prosecution case, in brief, is that on 06.01.2026 at about 3 PM, while the informant's husband was working on the repair of a PCC road in front of their house, two F.I.R. named accused persons, including this appellant, abused him by caste name and assaulted him due to which he sustained multiple injuries and fell unconscious.

4. It is submitted by learned counsel appearing on behalf of the appellant that appellant is quite innocent and has committed no offence. From bare perusal of the F.I.R. it is apparent that specific accusation of assault is against co-accused Amit Kumar who allegedly assaulted on the chest of husband of informant with fighter. So far as this appellant is concerned, there is general and omnibus nature of accusation and no specific allegation of overt act has been levelled against him. 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 case under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act is made out against this appellant. Appellant claims clean antecedents.

5. Learned Spl. P.P. appearing for the respondent-State and learned counsel appearing for the informant/Respondent

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No. 2 have vehemently opposed the prayer for grant of bail to the appellant.

6. Considering the facts and circumstances of the case, general and omnibus nature of accusation and clean antecedents of the appellant, this appeal is allowed and the impugned order dated 18.02.2026 passed by the learned District and Additional Sessions Judge-III-cum-Special Judge, SC/ST Act, Bhagalpur in connection with A.B.A. No. 248 of 2026 arising out of Rasalpur P.S. Case No. 04 of 2026 is hereby set aside with respect to this appellant only.

7. Accordingly, let the appellant, 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) with two sureties of the like amount each to the satisfaction of learned District and Additional Sessions Judge-III-cum-Special Judge, SC/ST Act, Bhagalpur in connection with Rasalpur P.S. Case No. 04 of 2026.

(Prabhat Kumar Singh, J)

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