IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1002 of 2026

CNR No. BRHC010258522026

Arising Out of PS. Case No.-43 Year-2025 Thana- SC/ST District- Kaimur (Bhabua)

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Prince Kumar Son of Sri Upendra Singh @ Upendra Kumar Singh Resident of Village- Sakari, P.O. and P.S.- Kudra, District- Kaimur at Bhabua

... ... Appellant/s

Versus

1. The State of Bihar
2. Lucky Kumar Son of Sri Amitabh Bachhan Resident of Village- Hardaspur, P.O. and P.S.- Kudra, District- Kaimur at Bhabua, Pin Code No. 821109

... ... Respondent/s

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Appearance :
For the Appellant : Mr. Anjani Kumar Sinha No. 1, Advocate
For the State : Ms. Usha Kumari 1, Spl.PP
For the Informant : Mr. Randhir Kumar No. 1, Advocate

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH

ORAL ORDER

3 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 30.01.2026 passed in a case registered for the offence punishable under Sections 126(2), 115(2), 117(2), 352 and 3(5) of the B.N.S. and Sections 3(1)(r)(s) and 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, whereby the prayer for grant of anticipatory bail of this appellant has been rejected.

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3. As per prosecution case, informant, namely Lakki Kumari, alleged that on 18.12.2025, while she was returning home through the village, in the meantime, two unknwon persons abused her by caste name and assaulted her. It is further alleged that the accused persons, along with another person identified as Pintu Kumar, had earlier threatened her and subsequently assaulted her, causing injuries. It is alleged that the accused persons broke her right hand and her jaw.

4. It is submitted by learned counsel appearing on behalf of the appellant that appellant is quite innocent and has committed no offence. The present F.I.R. has been lodged after inordinate delay of six days and there is no plausible explanation for the same which itself makes the entire prosecution case doubtful. Allegation of assault is general and omnibus and no specific accusation of overt act has been alleged against this appellant. Moreover, there is no injury report on record to substantiate the allegations levelled in the F.I.R.. 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.

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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 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 30.01.2026 passed by the learned Additional Sessions Judge-I-cum-Special Judge, Kaimur at Bhabua in connection with A.B.P. No. 41 of 2026 arising out of Bhabua (S.C./S.T.) P.S. Case No. 43 of 2025 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 Special Judge, Kaimur at Bhabua in connection with Bhabua (S.C./S.T.) P.S. Case No. 43 of 2025.

(Prabhat Kumar Singh, J)

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