

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL APPEAL (SJ) No 1247 of 2026**

Arising Out of PS. Case No.-314 Year-2025 Thana- SAUR BAZAR District- Saharsa

1. Vishwasen Yadav @ Vibishan Kumar @ Vibishan Yadav S/o Umesh Yadav R/o Village - Kanp, Tola - Thenga, Ward No.- 1, P.S.- Sour Bazar, District - Saharsa
2. Sukhsen Kumar @ Sukhsen Yadav S/o Umesh Yadav R/o Village - Kanp, Tola - Thenga, Ward No.- 1, P.S.- Sour Bazar, District - Saharsa

... .. Appellant/s

Versus

1. The State of Bihar
2. Thakko Sada S/o Boku Sada R/o Village - Jangal, Musahari, Ward No. 2, P.S.- Sour Bazar, District - Saharsa

... .. Respondent/s

**Appearance :**

For the Appellant/s : Mr.Pranav Kumar  
For the Respondent/s : Mr.Binay Krishna

**CORAM: HONOURABLE MR JUSTICE RANJAN KUMAR JHA**

**ORAL ORDER**

**4      22-07-2026**                      Yesterday, this matter was passed over for want of service report. Today, Mr Binay Krishna, learned Special PP has produced the report of service which bears the signature of police official Ritika Kumari, countersigned by Respondent No 2 Thakko Sada.

**2** This Court finds that services were validly served upon Respondent No 2 and, accordingly, proceeded to hear this matter.

**3** Heard learned counsel for the appellants and the learned Special PP.



4 The present appeal is directed against the order dated 02.02.2026 passed by the learned Additional Sessions Judge I -cum- Special Judge, SC/ST (Prevention of Atrocities) Act in Anticipatory Bail Petition No 1185 of 2025 by which the learned Court below has rejected the prayer for anticipatory bail made on behalf of the appellants.

5 Allegation in the FIR is to the extent that the appellants assaulted Respondent No 2 with iron rod and also abused him by caste name.

6 The learned counsel for the appellants submits that there is admitted land dispute for which earlier a false and fabricated case has been instituted. His further submission is that it is the second attempt to implicate the appellants falsely. Even if the allegation is seen on its face value then also the allegation is general and omnibus. Injury report of Respondent No 2 suggests that there are two injuries on his person. Injury No (i) has been opined as simple in nature while injury No (ii) has been opined to be grievous in nature for the reason of fracture of apex of left patella bone, i e, non-vital part and further submission is that the allegation as far as SC/ST (Prevention of Atrocities) Act is concerned, that is also vague and not in clear terms. Further, it is not clear whether the



alleged occurrence was in public view or not. He has further submitted that the alleged occurrence is of 31.08.2025 whereas the date of institution of FIR is 10.09.2025. Accordingly, there is a delay of 10 days in lodging the FIR.

7 The learned Special PP has opposed the prayer for anticipatory bail on the ground that the appellants are FIR named accused and there are allegations of assault and abusing Respondent No 2 by his caste name.

8 Having considered the rival submissions and, in particular, 10 days delay in lodging the FIR, general and omnibus allegation, injuries sustained are either simple or on non-vital part, as far as allegation, vis-a-vis, SC/ST (Prevention of Atrocities) Act is concerned, it is vague and not clear from the FIR whether it is in public view or not, the order impugned dated 02.02.2026 passed by the learned Additional Sessions Judge I -cum- Special Judge, SC/ST (Prevention of Atrocities) Act, Saharsa in Anticipatory Bail Petition No 1185 of 2025 is set aside.

9 Let the appellants above named, in the event of their arrest/surrender within a period of four weeks from today, be released on bail on each of them furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like



amount each to the satisfaction of learned Additional Sessions Judge I -cum- Special Judge, SC/ST (Prevention of Atrocities) Act, Saharsa in Sour Bazar PS Case No 314 of 2025 dated 10.09.2025 subject to all conditions as laid down under Section 482 (2) of the BNSS.

**10** This appeal is allowed.

**(Ranjan Kumar Jha, J)**

**M.E.H./-**

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