IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2675 of 2026

CNR No. BRHC010704432026

Arising Out of PS. Case No.-86 Year-2025 Thana- Amhara District- Lakhisarai

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Rahul Kumar S/o Mahendra Sao @ Maho Sao Resident of Village - Amahara, P.S - Amahara, District - Lakhisarai

... ... Appellant/s

Versus

1. The State of Bihar
2. Tulsi Manjhi S/o Late Lakhan Manjhi R/o Village - Amahara, P.S - Amahara, District - Lakhisarai

... ... Respondent/s

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Appearance :
For the Appellant/s : Mr. Md Irshad, Adv.
For the Respondent/s : Mr. Chandra Bhushan Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA

ORAL ORDER

4 27-10-2026 1. Heard learned counsel for the appellant and learned APP for the State, Mr. Chandra Bhushan Prasad.

2. This is an appeal under Section 14-A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as the "SC/ST Act") against the refusal of prayer for anticipatory bail vide order dated 25.02.2026 in A.B.P. No. 205 of 2026 passed by the learned Additional Sessions Judge-1st-cum-Special Judge S.C./S.T. (POA) Act, Lakhisarai in connection with Amahara P.S. Case No. 86 of 2025 registered for the offences punishable under Sections 126(2), 115(2), 351(2), 352 and 3(5) of the BNS as well as Sections3(i)(r)(s) of the SC/ST Act.

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3. The learned APP at the outset submits that notice has been validly served on the informant on 19.09.2026.

4. At this stage, the learned counsel appearing on behalf of the appellant submits that informant despite receiving notice chooses not to appear and contest. It is next submitted that there is a delay of 31 days in filing the appeal. It is next submitted that appellant is a person with clean antecedent and the informant alleges that on 05.09.2025 at about 5:00 PM, his son reached at Neemchak crossing where appellant was present and asked his son to bring *gutka* from the shop, on which his son objected, hence appellant threw him in the river and abused, further nearby people saved the son of the informant. It is further alleged that thereafter his son went to the house of Rahul, when his family members abused by taking caste name.

5. Learned counsel for the appellant submits that the appellant has been falsely implicated in the instant case by the informant. It is next submitted that informant is not an eye witness to the occurrence and the FIR does not even remotely suggest that his son disclosed him about the occurrence. It is further submitted that had the son of the informant been thrown in the river in that event he would not have come to the house of the appellant after being saved by nearby people as alleged

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which casts an aspersion on the case of the prosecution also. It is thus submitted that this perhaps explains why informant despite receiving notice chooses not to appear and contest.

6. Learned APP for the State opposes the prayer for anticipatory bail of the appellant.

7. After hearing the learned counsel for the parties, the order dated 25.02.2026 **is hereby set aside** and the appellant above-named, in the event of his arrest or surrender within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 5,000/- (Rupees Five Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with the aforesaid case, subject to the conditions as laid down under Section 482 (2) of the BNSS.

8. **Accordingly, the appeal stands allowed.**

(Satyavrat Verma, J)

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