

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5144 of 2025

Arising Out of PS. Case No.-357 Year-2025 Thana- AKHODHIGOLA District- Rohtas

1. Anant Sah S/O Tulshi Sah Resident of Village- Budhua, Police Station- Akorhigola, District- Rohtas
2. Manish Kumar @ Manish Kumar Gupta S/O Anant Sah Resident of Village- Budhua, Police Station- Akorhigola, District- Rohtas

... .. Appellant/s

Versus

1. The State of Bihar
2. Rajesh Kumar S/O Virendra Paswan R/O Vill.- Mahuari, P.S.- Akorhigola, Dist.- Rohtas.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Raghunandan Kumar Singh, Advocate

For the Respondent/s : Ms. Usha Kumari 1, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA

ORAL ORDER

4 20-04-2026 1. Heard learned counsel for the appellants and learned Special Public Prosecutor for the State.

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 28.11.2025 passed by the learned Special Court, SC/ST Act, Rohtas at Sasaram in connection with Akorhigola P.S. Case No. 357 of 2025 registered under Sections 126(2), 115(2), 109, 352, 351(2) and 3(5) of the B.N.S., 2023 as well as Sections 3(i)(r)(s), 3(i)(s) and 3(2)(va) of the SC/ST Act.

3. Learned counsel appearing on behalf of the



appellants submits that notice was received by the father of the respondent no. 2.

4. Since the notice has been received by the father of the respondent no. 2, hence, the same is deemed to be validly served.

5. It is submitted that despite receiving the notice, the respondent no. 2 chooses not to appear and contest the case.

6. Learned counsel for the appellants submits that appellants are persons with clean antecedent and the informant alleges that his son, namely, Aman along with Abhishek on 02.09.2025 in between 01:00-02:00 a.m. had gone to participate in a pooja where an altercation took place. Further, while returning they were intercepted by ten named accused persons and Shambhu abused by taking caste name and assaulted Aman by rod causing injury on head on account of which he fell, thereafter, appellants along with Gaina, Manish and Vikash kept assaulting him. Further, also assaulted Abhishek who tried to save Aman and even damaged the vehicle. It is next alleged that video of the son of the informant lying in an injured condition is with him and on receiving information, the informant came and took his son to the clinic of Dr. Virendra.

7. Learned counsel for the appellants submits that



appellants have been falsely implicated in the instant case by the informant. It is further submitted that from perusal of the allegation as alleged in the FIR, it would manifest that specific allegation of abusing Aman by taking caste name and assaulting by rod causing injury on head is against Shambhu. It is next submitted that though it is alleged that appellants along with Gaina, Manish and Vikash also assaulted Aman and thereafter assaulted Abhishek but then learned counsel submits that he has copy of the injury report and from perusal of the same, it would manifest that Aman suffered only one injury which has been opined to be grievous which is on head. It is also submitted that the said injury report has been shown to the learned Spl.P.P. and the learned Spl.P.P. also fairly submits after perusing the injury report that Aman suffered only one injury. It is submitted that there is no specific allegation against the appellants of abusing and allegation of assault is an exaggerated allegation. It is further submitted that appellant no. 2 is a student and is son of appellant no. 1. It is next submitted that it does not appear probable that father and son together would have indulged in such an occurrence. It is also submitted that this perhaps explains why the respondent no. 2 despite receiving the notice chooses not to appear and contest the case.



8. Learned Special Public Prosecutor for the State opposes the prayer for anticipatory bail of the appellants.

9. Considering the submissions made by the learned counsel appearing on behalf of the appellants, let the appellants, above-named, in the event of their arrest or surrender within a period of six weeks from the date of receipt of the order, be released on anticipatory bail on furnishing bail bonds of Rs.5,000/- (Rupees Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned Trial Court where the case is pending in connection with the aforesaid case, subject to the conditions as laid down under Section 438(2) of the Cr.P.C./482(2) of the B.N.S.S.

10. Accordingly, the impugned order is set aside and this appeal stands allowed.

(Satyavrat Verma, J)

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