

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2105 of 2025

Arising Out of PS. Case No.-28 Year-2024 Thana- SC/ST District- Saharsa

Shiv Sharma @ Shivam Kumar S/o Ganeri Sharma @ Ganauri Sharma
Resident of Mohalla- Batraha, Ward No. 42, P.S.- Saharsa Sadar, District-
Saharsa

... .. Appellant/s

Versus

1. The State of Bihar
2. Laxmi Devi W/o Pankaj Ram Resident of Mohalla- Batraha, Ward No. 42,
P.S.- Saharsa Sadar, District- Saharsa

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Amarnath Jha, Advocate
For the Respondent/s	:	Mr. Binay Krishna, SPP
For the Informant	:	Mr. Jeetendra Narayan, Advocate

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

3 25-09-2025 Heard learned counsel for the appellant, learned

Special Public Prosecutor for the State and learned counsel for

the informant/Respondent No. 2.

2. The instant appeal has been filed by the appellant
against the order dated 22.04.2025 passed by learned Additional
Sessions Judge 1st-cum-Special Judge Scheduled Caste and
Scheduled Tribes Prevention of Atrocities Act, Saharsa whereby
the prayer for bail of the appellant in connection with Saharsa
SC/ST P.S. Case No. 28 of 2024 under Sections 126(2), 115(2),
117(2), 303(2), 329(3), 352, 3(5) of the Bharatiya Nyaya
Sanhita, 2023, read with Sections 3(1)(r), 3(1)(s), 3(i)(w1) and
3(2)(va) of SC/ST Act was rejected.



3. Prosecution case, in short, is that the appellant along with other co-accused persons have assaulted the informant's husband and others with rods and sticks due to which they sustained injuries and fracture. It is further alleged that the appellant abused and also tried to outrage the modesty of the informant.

4. Learned counsel for the appellant submits that the appellant is innocent and has falsely been implicated in the present case. Charge-sheet has been submitted in this case. Learned counsel for the appellant also submits that there is delay of four days in lodging the FIR. The allegation levelled against the appellant is not specific rather the same is general and omnibus in nature. It is next submitted that specific allegation of assault is against co-accused Sanjay Sharma. Learned counsel for the appellant further submits that the appellant has not taken the caste name of the informant in public view. Hence, no offence under the provisions of SC/ST Act is made out against him. The appellant has no intention to disgrace the image of the informant in public view. The appellant is in custody since 30.12.2024 and has got no criminal antecedent. Similar co-accused has been granted regular bail by this Court vide order dated 18.09.2025 passed in Cr. Appeal (S.J.) No.



2655 of 2025.

5. Learned Special P.P. for the State and the informant have vehemently opposed the prayer for grant of bail to the appellant.

6. Considering the aforesaid facts and circumstances of the case and the period of custody undergone by the appellant, this Court is inclined to allow this appeal. Accordingly, the appeal is allowed and order dated 22.04.2025 passed by learned Additional Sessions Judge 1st-cum-Special Judge Scheduled Caste and Scheduled Tribes Prevention of Atrocities Act, Saharsa is hereby set aside.

7. Let the appellant be released on bail on furnishing bail bonds of Rs. 15,000/- (Rupees Fifteen thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Saharsa SC/ST P.S. Case No. 28 of 2024.

(Rudra Prakash Mishra, J)

Rajorshi/-

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