

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3515 of 2025**

Arising Out of PS. Case No.-26 Year-2025 Thana- BAGENGOLA District- Buxar

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Lakhmuna Devi W/O Sarwan Kumar Mahto R/O Village- Akodhi, P.S-
Bagengola, Distt.- Buxar.

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Ramjee Paswan S/O Kishun Paswan R/O Village- Kodhi, P.S- Bagengola,
Distt.- Buxar.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Rang Nath Choubey
For the Respondent/s : Mr.Sadanand Paswan

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**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

3 09-10-2025 Heard learned counsel for the appellant, learned
counsel for the Respondent No. 2 and learned Special Public
Prosecutor for the State.

2. This is an appeal under Section 14A(2) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act, 1989 (hereinafter in short referred to as the
SC/ST Act) against the refusal of prayer of bail *vide* order dated
29.07.2025 passed by the learned District and Additional
Sessions Judge-1-Cum- Special Judge, SC/ST Act, Buxar in
connection with SC/ST Case No. 45/2025 arising out of
Bagengola P.S. Case No. 26/2025 dated 17.03.2025 registered
for the offence/s punishable u/s 103(1), 109 read with Section



3(5) and 352 of the B.N.S and Sections 3(1)(r)(s) and 3(2)(va) of the SC/ST Act.

3. As per the prosecution case, a scuffle took place between the children which was pacified but later on the appellant along with other co-accused persons came to the door of the informant and started abusing by calling caste name and went from there. Thereafter, the appellants and the co-accused persons came holding weapons and assaulted Kishun Paswan and Raj Kumar Paswan with iron rod causing head injury. The co-accused, Laxmina Devi and the appellant (Lakhmuna Devi) were also involved in assaulting Kishun Paswan and Raj Kumar Paswan with stones and bricks. When Sarida Devi and Vivek Kumar came to rescue they sustained grievous injury. Thereafter, Kishun Paswan and Raj Kumar Paswan were taken to hospital where in the course of treatment Kishun Paswan succumbed to the injury.

4. Learned counsel for the appellant has submitted that the appellant has falsely been implicated in this case due to ulterior motive. As per FIR, no member of public was present at the relevant point of time of the incident. Learned counsel has further submitted that no particular caste name has been called by the appellant hence no case is made out under SC/ST Act.



There is general and omnibus allegation against the appellant. There is a case and counter case between the parties. Both the parties have sustained injury. The appellant is a lady. The other co-accused person has been granted bail by this court vide order dated 04.09.2025 passed in Cr. Appeal (SJ) No. 2880/2025. The appellant has no criminal antecedent as stated at para 3 of the bail petition. The appellant is in custody since 14.05.2025.

5. Learned Spl. P.P. for the State as well as learned counsel for the Respondent No. 2 have vehemently opposed the prayer of bail.

6. In view of the aforesaid facts and circumstances of the case as well as finding substance in the contention of the learned counsel for the appellant, the impugned order dated 29.07.2025 passed by the learned District and Additional Sessions Judge-1-Cum- Special Judge, SC/ST Act, Buxar in connection with SC/ST Case No. 45/2025 arising out of Bagengola P.S. Case No. 26/2025 is set aside against the appellant. The criminal appeal is allowed.

7. Accordingly, the above named appellant, is directed to be enlarged on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty thousand) with two sureties of the like amount each to the satisfaction of the learned District and Additional Sessions Judge-1-Cum- Special Judge, SC/ST Act, Buxar in



connection with SC/ST Case No. 45/2025 arising out of
Bagengola P.S. Case No. 26/2025.

(Chandra Prakash Singh, J)

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