

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.198 of 2026**

Arising Out of PS. Case No.-161 Year-2025 Thana- Krishnabraham District- Buxar

Mohana Mahto S/o- Ram Kumar Mahto @ Raj Kumar Mahto R/v- Sowa Ps-
Krishna Brahm Dist- Buxar

... .. Appellant/s

Versus

1. The State of Bihar
2. Nidhi Devi W/o- Shyam Narayan Paswan R/v- Sowa Ps- Krishna Brahm
Dist- Buxar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Bindeshwar Prasad Singh, Advocate
For the Respondent/s	:	Mr. Sadanand Paswan, SPP
For the Res. No. 2	:	Mr. Arun Kumar Gupta, Advocate

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

ORAL ORDER

5 12-03-2026 Heard learned counsel for the appellant, learned
Special Public Prosecutor for the State, learned counsel for the
Respondent No. 2 and perused the case diary.

2. The instant appeal has been filed by the appellant against the order dated 18.12.2025 passed by learned 1st Additional Sessions Judge-cum-Special Judge under SC/ST (POA) Act, Buxar whereby the prayer for bail of the appellant in connection with Krishna Brahm P.S. Case No. 161 of 2025 under Sections 126(2), 115(2), 109, 303(2), 352, 351(2), 3(5) of the Bharatiya Nyaya Sanhita, 2023, read with Sections 3(1)(r)(s) and 3(2)(va) of SC/ST Act was rejected.



3. Prosecution case, in short, is that the appellant along with co-accused persons brutally assaulted brother-in-law of the informant and also abused him using caste based slurs.

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 no specific allegation has been attributed against the appellant rather the same is general and omnibus in nature. Specific allegation of assault is levelled against co-accused, namely, Niraj Kumar, Rajan Kumar and Mithilesh Kumar. 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 11.11.2025 and has got no criminal antecedent. Similar co-accused has been granted bail by a co-ordinate Bench of this Court vide order dated 24.02.2026 passed in Cr. Appeal (S.J.) No. 137 of 2026.

5. Learned Special P.P. for the State and learned counsel for the Respondent No. 2 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 18.12.2025 passed by learned 1st Additional Sessions Judge-cum-Special Judge under SC/ST (POA) Act, Buxar 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 Krishna Brahm P.S. Case No. 161 of 2025.

(Rudra Prakash Mishra, J)

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