

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.385 of 2026

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

Chandan Kumar S/o Fudena Mahto R/o vill - Sowar, P.S.- Krishna Brahm,
Distt.- Buxar

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Nidhi Devi W/o- Shyam Narayan Paswan R/o Vill.- Sowar P.O.- Sowar ,
P.S.- Krishna Brahm, Dist.- Buxar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Manendra Kumar Sinha
For the Respondent/s	:	Mr. Sadanand Paswan
For the Res No. 2	:	Mr. Prem Kumar Paswan

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

4 23-04-2026 Heard learned counsel for the appellant and learned

Special Public Prosecutor for the State as well as learned

counsel appearing on behalf of the informant.

2. The present appeal has been preferred against the

order dated 18.12.2025 passed by the learned District and

Additional Sessions Judge-I-cum-Special Judge, SC/ST Act,

Buxar in connection with Brahm P.S. Case No. 161 of 2025,

registered for the offence punishable under Sections 126(2),

115(2), 109, 303(2), 352, 351(2), 3(5) of the Bharatiya Nyaya

Sanhita, 2023 and Section 3(1)(r)(s) and 3(2)(va) of the SC/ST

Act, whereby the prayer for bail of the appellant has been

rejected.



3. The prosecution case, in brief, is that the appellant, along with other co-accused persons, is alleged to have brutally assaulted the informant and the family members while using caste-based slurs.

4. Learned counsel for the appellant submits that the appellant is innocent and has been falsely implicated in this case. It is further submitted that there is no specific allegation against the appellant and the allegations are general and omnibus in nature. It is also submitted that there is no allegation of intentional insult or intimidation with intent to humiliate the informant in any place within public view so as to attract the provisions of the SC/ST Act. It is further submitted that the appellant is in custody since 11.11.2025 and has no criminal antecedent.

5. Learned Special Public Prosecutor for the State and learned counsel for the informant have opposed the prayer for bail.

6. Having considered the submissions of the parties and on perusal of the materials available on record, it appears that the allegations against the appellant are general and omnibus in nature and no specific overt act has been attributed to him. Further, the essential ingredients to attract the provisions



of the SC/ST Act *prima facie* do not appear to be made out against the appellant.

7. Accordingly, the impugned order dated 18.12.2025 passed by the learned District and Additional Sessions Judge-I-cum-Special Judge, SC/ST Act, Buxar in connection with Brahm P.S. Case No. 161 of 2025 is set aside and the appeal is allowed.

8. Let the appellant, above named, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending/successor Court in connection with Brahm P.S. Case No. 161 of 2025.

9. It is made clear that the observations made herein are *prima facie* in nature and confined only to the adjudication of the present appeal for bail and shall not be construed as an expression on the merits of the case.

(Sandeep Kumar, J)

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