

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.419 of 2026**

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

Mithilesh Kumar @ Mithalesh Kumar S/o- Baban Mahto R/v- Sowa Ps-
Krishna Brham Dist- Buxar

... .. Appellant/s

Versus

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

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Dr.Kamal Deo Sharma
For the Respondent/s : Mr. Sadanand Paswan

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER**

3 06-05-2026 1. Heard learned counsel for the appellants, learned
Special P.P. for the State and the learned counsel appearing on
behalf of the informant.

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 16.01.2026 in A.B.P. No. 1427/2025 passed by the
learned 1st District and Additional Sessions Judge-cum-Special
Judge, SC/ST Act, Buxar in connection with Krishna Brham P.S.
Case No. 161/2025 registered under Sections 126(2), 115(2),
109, 303(2), 352, 351(2) and 3(5) of the BNS, 2023 as well as
Sections 3(1)(r), (s) and 3(2)(va) of the SC/ST Act.

3. Learned counsel for the appellant submits that



appellant is a person with clean antecedent and the informant alleges that she was standing at her door on 08.11.2025 at 7 P.M. when she heard a noise and saw that Satyendra was abusing and assaulting her brother-in-law by lathi on back and leg, on the ground that he had not voted a particular political part, on alarm, her father-in-law came when Satyendra abused him by taking caste name and thereafter 16 named accused persons including the appellant came and assaulted her father-in-law causing injury on head, eye and finger and Sohan and Mohan snatched his chain.

4. Learned counsel for the appellant submits that appellant has been falsely implicated in the instant case by the informant. It is further submitted that from bare perusal of the allegation as alleged in the FIR, it would manifest that thrust of the allegation is against Satyendra. It is next submitted that no doubt it is alleged that on call of Satyendra 16 named accused persons came and assaulted the father-in-law of the informant causing injury but then allegation of assault is not specific and the informant does not allege that any of the accused abused by taking caste name. It is also submitted that SC/ST Act is a stringent Act and the nature of allegation as alleged in the FIR against the appellant is general and omnibus in nature i.e. no



specific allegation of assault and abuse is alleged.

5. Learned Special Public Prosecutor and the learned counsel appearing on behalf of the informant opposes the appeal but then are not in a position to rebut the submission of the learned counsel appearing on behalf of the appellant that allegation of abuse and assault is not specific.

6. Considering the submissions, the order impugned is set aside. Let the appellant, above named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs.5,000/- (rupees five thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending in connection with the aforesaid case, subject to the conditions as laid down under Section 482(2) of the BNSS.

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

(Satyavrat Verma, J)

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