

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1018 of 2026

Arising Out of PS. Case No.-60 Year-2025 Thana- Kalyan Bigha District- Nalanda

Vidhya Chand Jamadar @ Vidhyanand Kumar @ Vijay Chandra Jamadar
@JaichandJamadar@Vidyachand Kumar Son of Amirak Prasad @ Amirak
Jamadar R/o Village - Mokimpur, P.S. - Chandi, District - Nalanda.

... .. Appellant/s

Versus

1. The State of Bihar
2. Rudal Kumar Son of Meghan Manjhi R/o Village - Badi Aamar, P.S. - Kalyan Bigha, Dist. - Nalanda.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Anil Kumar Singh, Advocate
For the Respondent/s	:	Mrs. Usha Kumari 1, APP
For the Resp. No.2	:	Mr. Subhash Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE ANSUL
ORAL ORDER

4 26-05-2026 Heard the parties.

2. This is an appeal under Section 14A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as the SC/ST Act) against the order dated 17.02.2026 passed by the learned Additional Sessions Judge VI cum Special Judge, SC/ST Act, Biharsharif, Nalanda, whereby the prayer for bail of the appellant was refused in connection with Kalyan Bigha P.S. Case No. 60 of 2025, registered under Section 103(1) of the Bharatiya Nyaya Sanhita, Section 27 of the Arms Act and Sections 3(2)(V) of the SC/ST Act.

3. The prosecution case as set out in the FIR is that



one Shankar Jamadar shot the mother of the informant on her chest. The informant has clearly identified Shankar Jamadar as the perpetrator. Despite this identification, Shankar Jamadar was not named in the FIR. He is stated to be the own brother of the appellant. The omission of his name from the FIR, notwithstanding his clear identification, is a circumstance that weighs in favour of the appellant at this stage.

4. Learned counsel for the appellant submits that no such occurrence as alleged ever took place and the appellant has been falsely implicated. The appellant was named during the course of investigation solely on account of being the brother of Shankar Jamadar. No specific role or overt act has been attributed to the appellant in the FIR. The specific allegation of firing is attributed only to Shankar Jamadar. As regards the SC/ST Act, it is submitted that the alleged use of casteist abuses against the informant took place inside the house of the appellant and not in any public place or public view. It is contended that in the absence of a public place, no offence under Section 3 of the SC/ST Act is made out against the appellant. The appellant has clean antecedents and has been in custody since 21.12.2025.

5. Learned Special Public Prosecutor for the State has



opposed the prayer for bail.

6. This Court has considered the facts of the case and the submissions advanced by learned counsel for the parties.

7. On the question of the SC/ST Act offence, it is well settled that for an offence under Section 3(1) of the SC/ST Act to be attracted, the act complained of must have been committed in a public place and in public view. The alleged casteist abuse is stated to have occurred inside the house of the appellant. On a prima facie consideration of the facts as they stand, the ingredient of public view does not appear to be satisfied. Accordingly, this Court is prima facie of the view that the offence under the SC/ST Act is not made out against the appellant at this stage. This finding is limited to the question of bail and shall not be treated as an expression on the merits of the case.

8. On the substantive offence under Section 103(1) of the Bharatiya Nyaya Sanhita, the specific act of firing has been attributed solely to the co-accused Shankar Jamadar. The appellant has not been assigned any specific role in the FIR. He came to be named only during the course of investigation, being the brother of the named accused. The belated introduction of the appellant into the case, without any independent overt act



attributed to him, renders his alleged involvement prima facie doubtful at this stage. The appellant has been in custody since 21.12.2025 and has clean antecedents.

9. The learned court below refused bail without adequately engaging with the absence of any specific role attributed to the appellant in the FIR and the prima facie non-applicability of the SC/ST Act on account of the absence of a public place. The impugned order dated 17.02.2026 is accordingly liable to be set aside.

10. In view of the foregoing, this appeal is allowed. The order dated 17.02.2026 passed by the learned Additional Sessions Judge VI cum Special Judge, SC/ST Act, Bihar Sharif, Nalanda in connection with Kalyan Bigha P.S. Case No. 60 of 2025 is hereby set aside.

11. Accordingly, the appellant Vidhya Chand Jamadar @ Vidhyanand Kumar @ Vijay Chandra Jamadar @ Jaichand Jamadar @ Vidyachand Kumar is directed to be released on bail upon furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge VI cum Special Judge, SC/ST Act, Bihar Sharif, Nalanda or the concerned court below in connection with Kalyan Bigha P.S.



Case No. 60 of 2025.

(Ansul, J)

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