

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1590 of 2026

Arising Out of PS. Case No.-586 Year-2025 Thana- BAIRIYA District- West Champaran

Chhotu Sah @ Shivam Kumar S/o Prabhu Sah @ Prabhu Prasad Resident Of
Village - Malahi Nahar Chowk, P.S. - Bairiya, Dist. - West Champaran.

... .. Appellant/s

Versus

1. The State of Bihar
2. Rajeshwar Manjhi PTC Posted at Dial 112, P.S. - Bairiya, Dist. - West Champaran. Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Ram Kishun Prasad
For the Respondent/s : Ms. Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 14-05-2026 1. Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

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 01.04.2026 passed by the learned Additional Sessions Judge, 1st cum Special Judge, SC/ST Act, Bettiah in connection with Bairiya P.S. Case No. 586 of 2025 registered under Sections 126(2), 115(2), 191(2), 117(2), 190, 132, 121(1), 352, 351(2), 3(5) of the B.N.S. and Sections 3 (i)(r) (s) 3(2) (va) of the SC/ST Act.



3. Learned counsel appearing on behalf of the appellant submits that appellant is a person with clean antecedent. It is next submitted that informant alleges that on 05.12.2025 at about 20.45 P.M. while he along with police personnel at Malhi Nahar crossing were present, when eleven named accused persons including the appellant came and started abusing him by taking caste name after seeing his batch and Alok, Chandan and Raj Kumar assaulted and damaged the police vehicle and Chandan was arrested.

4. Learned counsel for the appellant submits that FIR has been instituted by a police official hence is being represented by the learned Special P.P. It is further submitted that from perusal of the allegation as alleged in the FIR, it would manifest that no specific allegation of abuse and assault is alleged against the appellant. It is next submitted that the specific allegation of abusing the informant by taking caste name and assaulting is against Alok, Chandan and Raj Kumar. It is further submitted that it does not appear probable that all accused in one would have abused the informant.

5. Learned Special Public Prosecutor for the State opposes the prayer for anticipatory bail of the appellant but then is not in a position to rebut the submission made by learned



counsel appearing on behalf of the appellant that no specific allegation of abuse and assault is alleged against the appellant.

6. After hearing the learned counsel for the parties, the order impugned is set aside.

7. Let the appellant, above-named, in the event of his arrest or surrender within a period of six weeks from the date of receipt of the order, be released on anticipatory bail on furnishing bail bonds of Rs. 5,000/- (Rupees Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned Trial Court where the case is pending in connection with the Bairiya P.S. Case No. 586 of 2025, subject to the conditions as laid down under Section 482(2) of the B.N.S.S.

8. The appeal stands allowed

(Satyavrat Verma, J)

amit/-

U		T	
---	--	---	--

