

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No. 2109 of 2026**

Arising Out of PS. Case No.-473 Year-2025 Thana- BUXAR District- Buxar

Abhishek Vardhan Son of Mr. Mayank Shekhar singh Resident of village
Budhanpurwa (Professor Colony), P.S. - Buxar Town, District - Buxar

... .. Appellant

Versus

1. The State of Bihar
2. Sukar Paswan Son of Late Shyam Sundar Paswan Resident of Village -
Maudihra, P.s. Natwar, District- Rohtas at present Senior Treasury officer,
Buxar Residence at C/o Sanjay Singh at musafirganj, P.S.- Natwar, District-
Buxar.

... .. Respondents

Appearance :

For the Appellant/s : Mr. Purushottam Kumar, Advocate
For the Respondent/s : Mr. Usha Kumari 1, Spl. P.P

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER**

3 07-07-2026 Heard the parties.

2. The appellant has preferred the present appeal under Section 14A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act (for short 'the Act') against the order dated 12.05.2026 passed by the learned District and Additional Sessions Judge 1st cum Special Judge SC/ST (POA), Act, Buxar in A.B.P. No. 276/2026 in connection with Buxar(T) P.S. Case No. 473 of 2025 registered under Sections 332(b), 115(2), 117(2), 109, 3(5) of the Bharatiya Nyaya Sanhita (in short 'BNS', 2023) and Sections 3(i)(r)(s) of SC/ST (POA) Act.



3. Present appeal is well within limitation as prescribed under Section 14A(3) of the Act.

4. Notice appears served to informant/ O.P. no.2 vide order dated 11.06.2026 by way of substituted mode of service, which shows that it has been served validly upon the informant/O.P. no.2 but failed to join the present proceedings.

5. As per FIR, appellant alleged that on 25.08.2025, while he was in house at about 7.30 PM, four to five unknown persons entered into house forcibly, where one person was holding with hammer and assaulted him indiscriminately causing bodily injuries. It is submitted that he was in dispute with an office colleague namely, Rajvansh Kumar Singh, the only named co-accused, who usually abuses him in his office in his caste name. He raised suspicions that the occurrence took place on instance of co-accused, namely, Rajvansh Kumar Singh.

6. Learned counsel appearing for the appellant submitted that the appellant was named with present case during the course of investigation as he was named by apprehended co-accused, namely, Shivam Thakur. It is further submitted that even allegations of assault by using hammer is



not available against Shivam Thakur rather it was stated that the appellant was also one of the persons who was also present at the place of occurrence. It is also submitted that save and except suspicion, nothing appears available against the appellant. It is also submitted that allegations of abusing appellant is available against co-accused, namely, Rajvansh Kumar Singh and not against the appellant. It is also pointed out that appellant is involved in one more criminal case, where he is on bail and moreover all injuries was found simple in nature.

7. Learned Special P.P. while opposing the prayer of bail submitted that the appellant found involved actively in the occurrence as stated by co-accused person during investigation.

8. In view of aforesaid factual submissions and by taking note of fact, as allegations of abusing informant is not available against the appellant rather available against co-accused, namely, Rajvansh Kumar Singh, coupled with the facts that except suspicious *prima facie* nothing appearing incriminating against the appellant, where allegations of assault by hammer *prima facie* also not available against the appellant,



accordingly, above-named appellant in the event of his arrest or surrender before the learned trial Court, within a period of six weeks of the order, is directed to be released on bail furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned District and Additional Sessions Judge- 1st -cum- Special Judge SC/ST (POA), Act, Buxar in A.B.P. No. 276/2026 in connection with Buxar(T) P.S. Case No. 473 of 2025 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

9. Accordingly, impugned order dated 12.05.2026 as passed through A.B.P. No. 276/2026 is hereby set aside.

10. Hence, appeal stands allowed.

(Chandra Shekhar Jha, J.)

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