IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2633 of 2026

CNR No. BRHC010696322026

Arising Out of PS. Case No.-60 Year-2026 Thana- PHULWARIA District- Begusarai

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Suman Kumar S/o Mukesh Kumar @ Mukesh Mahto R/o vill - Gadhara @ Garhara, P.s.- Gadhara @ Garhara, Distt.- Begusarai

... ... Appellant/s

Versus

1. The State of Bihar
2. Ronit Kumar S/o Ashok Paswan R/o vill - Gadhara @ Garhara, P.S.- Gadhara @ Garhara, Distt.- Begusarai

... ... Respondent/s

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Appearance :
For the Appellant/s : Mr. Shubhesh Pandey, Advocate
For the Respondent/s : Mr. Sadanand Paswan, SPP
For the Respondent No.2: Mr. Amit Kumar Mishra, Advocate

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CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

5 29-10-2026 Heard learned counsel for the appellant, learned Special Public Prosecutor for the State, learned counsel for the informant/Respondent No. 2 and perused the case diary.

2. The instant appeal has been filed by the appellant against the order dated 23.06.2026 passed by learned Exclusive Special Judge-SC/ST (POA) Act, Begusarai whereby the prayer for bail of the appellant in connection with Phulwaria P.S. Case No. 60 of 2026, under Sections 126(2), 115(2), 140(1), 351(2), 351(3), 352, 3(5) of the Bharatiya Nyaya Sanhita, 2023, read with Sections 3(1)(r)(s) and 3(2)(v) of SC/ST Act was rejected.

3. Prosecution case, in short, is that on 19.03.2026, the named accused persons along with one unknown person intercepted the informant's brother, Aditya Kumar, abused him

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by his caste name, assaulted him, and forcibly took him on a motorcycle towards Dhala No. 06.

4. Learned counsel for the appellant submits that the appellant is innocent and has falsely been implicated in the present case. Charge-sheet has been submitted in this case. Learned counsel for the appellant also submits that the informant is not an eye witness to the alleged occurrence and that there is no direct evidence of the alleged abduction. It is next submitted that the alleged victim returned home within a few hours of the occurrence. Learned counsel for the appellant further submits that the appellant has not taken the caste name of the informant in public view. Hence, no offence under the provisions of SC/ST Act is made out against him. The appellant has no intention to disgrace the image of the informant in public view. The appellant is in custody since 20.03.2026 and has got two criminal antecedents. Other co-accused has been granted regular bail by this Bench vide order dated 14.10.2026 passed in Cr. Appeal (S.J.) No. 2703 of 2026.

5. Learned Special P.P. for the State and the informant have vehemently opposed the prayer for grant of bail to the appellant.

6. Considering the aforesaid facts and circumstances

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of the case and the period of custody undergone by the appellant, this Court is inclined to allow this appeal. Accordingly, the appeal is allowed and order dated 23.06.2026 passed by learned Exclusive Special Judge-SC/ST (POA) Act, Begusarai is hereby set aside.

7. Let the appellant be released on bail ***after framing of charge, if not already framed,*** on furnishing bail bonds of Rs. 15,000/- (Rupees Fifteen thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Phulwaria P.S. Case No. 60 of 2026, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the appellant.

(II) The appellant shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the appellant.

8. The learned Court below is directed to take expeditious steps for framing of charge against the appellant.

(Rudra Prakash Mishra, J)

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