IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3474 of 2026

CNR No. BRHC010913552026

Arising Out of PS. Case No.-23 Year-2026 Thana- SC/ST District- Patna

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Shankar Kumar S/o Umakant Kamal @ Umakant Kushwaha @ Ashok Singh R/o Village - Tulsichak, P.S. - Masaurhi, Dist. - Patna.

... ... Appellant/s

Versus

1. The State of Bihar
2. Naresh Kumar S/o Late Vigan Ram R/o Village - Etwarpur, P.S. - Parsa, Dist. - Patna.

... ... Respondent/s

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Appearance :
For the Appellant/s : Mr. Nidhi Suman, Advocate
For the Respondent/s : Mr. Binay Krishna, SPP
For the Informant : Mr. Ajay Kumar Singh No. 1, Advocate

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CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

3 29-10-2026 Heard learned counsel for the appellant, learned Special Public Prosecutor for the State and learned counsel for the informant. Perused the case diary.

2. The instant appeal has been filed by the appellant against the order dated 14.08.2026 passed by learned Exclusive Special Judge, SC/ST Act, Civil Court, Sadar, Patna whereby the prayer for bail of the appellant in connection with SC/ST Patna P.S. Case No. 23 of 2026 under Sections 126(2), 115(2), 117(2), 352, 3(5) of the Bharatiya Nyaya Sanhita, 2023 and Sections 3(1)(r)(s), 3(2)(va) of SC/ST Act was rejected.

3. The prosecution case, in brief, is that the informant

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alleged that while returning to Patna with his family, an unknown vehicle hit his moped near Chhata Mor, whereupon Raja and Shankar Kumar (appellant herein) broke his car glass with a bamboo stick, assaulted him, fractured his right hand, and abused him by taking his caste name.

4. Learned counsel for the appellant submits that the appellant has falsely been implicated in the present case. Learned counsel further submitted that there is general and omnibus allegation against the appellant and no any overt act is alleged against him. He further submitted that there are three injured and out of them, two persons have sustained grievous injury whereas the third, namely, Naresh Kumar has sustained simple injuries. 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. Police, after completion of the investigation, submitted charge-sheet under Section 109(1) along with other allied Sections of the Bharatiya Nyaya Sanhita, 2023. The appellant is in custody since 23.07.2026 and has one criminal antecedent.

5. Learned Special P.P. for the State and the informant

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have vehemently opposed the prayer for grant of bail to the appellant.

6. Considering the aforesaid facts and circumstances 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 14.08.2026 passed by learned Exclusive Special Judge, SC/ST Act, Civil Court, Sadar, Patna in connection with SC/ST Patna P.S. Case No. 23 of 2026 is hereby set aside.

7. Let the appellant, abovenamed, be released on bail 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 SC/ST Patna P.S. Case No. 23 of 2026.

(Rudra Prakash Mishra, J)

Alok Verma/-

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