

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4346 of 2025**

Arising Out of PS. Case No.-37 Year-2025 Thana- SC/ST District- Saharsa

Shiv Kumar @ Shivjee Kumar Son of Maheshwar Sah Resident Of Village-
Makhdumchak Nagar Ward No 13, Ps- Simri Bakhtiyarpur, Dist- Saharsa

... .. Appellant/s

Versus

1. The State of Bihar
2. Guriya Kumari Daughter of Sundar Chaudhary Resident Of Village-
Makhdumchak Nagar Ward No 13, Ps- Simri Bakhtiyarpur, Dist- Saharsa

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Chandra Mohan Jha, Advocate
For the State	:	Mr. Binay Krishna, APP
For the Informant	:	Mr. Ashok Kumar, Advocate

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

4 12-02-2026 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 27.09.2025 passed by learned Additional
Sessions Judge 1st cum Special Judge, SC/ST Act, Saharsa
whereby the prayer for bail of the appellant in connection with
Special Case No. 95 of 2025, arising out of SC/ST PS Case No.
37 of 2025 instituted under Sections 329(3), 329(4), 126(2),
115(2), 109, 74, 303(2), 352, 351(2) & 3(5) of the Bharatiya
Nyaya Sanhita, 2023 and Sections 3(1)(r)(s)(wi) and 3(2)(v) of
SC/ST Act was rejected.



3. The prosecution case, in brief, is that the accused persons, armed with lathi-danda, unlawfully trespassed upon the informant's land, demolished her boundary wall, abused her by caste name, assaulted her and her family members causing injuries, outraged her mother's modesty, and forcibly took away cash and ornaments. It is further alleged that they criminally intimidated the family with threats to kill them if they did not give passage over the disputed land.

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. From perusal of the FIR, it would reveal that there is no specific allegation against the appellant, rather the same is general and omnibus in nature. It is submitted that specific allegation is against co-accused, Maheshwar Sah and Manoj Sah. It is next submitted that injury of the injured is found to be simple in nature. 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 22.07.2025 and has no criminal



antecedent.

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

6. Considering the aforesaid facts and circumstances of the case, there being no specific allegation against the appellant and the period of custody undergone by the petitioner, this Court is inclined to allow this appeal. Accordingly, the appeal is allowed and order dated 27.09.2025 passed by learned Additional Sessions Judge 1st cum Special Judge, SC/ST Act, Saharsa is hereby set aside.

7. Let the appellant be released on bail on furnishing bail bonds of Rs.15,000/- (Fifteen thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Special Case No. 95 of 2025, arising out of SC/ST PS Case No. 37 of 2025.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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