

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4672 of 2025**

Arising Out of PS. Case No.-308 Year-2025 Thana- HISUWA District- Nawada

Amit Kumar Son of Jay Prakash Saw @ Om Prakash Sah Resident of Village
- Khankhnapur Nalapar, P.S.- Hisua, District - Nawada

... .. Appellant/s

Versus

1. The State of Bihar
2. Chotu Kumar Son of Shri Chaudhary Resident of Mohalla - Hisua Nalapar,
P.S.- Hisua, District - Nawada.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Ajit Ranjan Kumar, Advocate
For the Respondent/s	:	Mr. Binay Krishna, Spl.P.P.

**CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER**

4 26-03-2026 Heard learned counsel for the appellant and learned
Spl. P.P. for the State.

2. This is an appeal under Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as the “SC/ST Act”) against the refusal of prayer for bail vide order dated 15.10.2025 passed by the learned Exclusive Special Judge, SC/ST (POA) Act, Nawada in connection with B.P. No. 1545 of 2025, arising out of Hisua P.S. Case No. 308 of 2025 registered for the offences punishable under Sections 126(2), 115(2), 117(2), 109(1), 352, 303(2) & 3(5) of the Bharatiya Nyaya Sanhita, 2023, and under Sections 3(1)(r)(s)(t), 3(2)(v) of the SC/ST (POA) Act.

3. The case of the complainant, in short, is that the



appellant along with others have assaulted with iron rod to one Chhotu Kumar (complainant). It is further alleged that he was taken to Bhulan Bigaha and was abused with caste name and after that all the accused persons including the appellant assaulted him with hands and fists, iron rod.

4. Learned counsel for the appellant submits that appellant is innocent and has falsely been implicated in the present case. Learned counsel for the appellant has further submitted that from perusal of the FIR itself it is clear that the allegations are general and omnibus. There is no specific allegation against the appellant. It has further been submitted that as far as the allegation of abusing the informant with caste name is concerned, it was not in public view as he was taken to Bhulan Bigaha as per the FIR. It has further been submitted that from the injury report of the informant it will transpire that the informant has received multiple injuries. (i) Multiple abrasion of size 3"x1", 4"x2", 5"x3" over back (ii) swelling over left ankle joint (iii) Lacerated wound of size 2"x1" over occipital area. From perusal of the supplementary injury report it is clear that 3rd injury is grievous whereas other injuries are simple in nature. Learned counsel for the appellant has submitted that as the nature of allegation is general and omnibus, it cannot be ascertained as to who is author of injury no.(iii). Learned counsel for the



appellant has lastly submitted that the appellant is in judicial custody since 23.09.2025.

5. Learned Spl.P.P. for the State has vehemently opposed the prayer for grant of bail to the appellant.

6. In view of the submissions made by the learned counsel for the appellant, the order dated 15.10.2025 passed by the learned Exclusive Special Judge, SC/ST (POA) Act, Nawada in connection with B.P. No. 1545 of 2025, arising out of Hisua P.S. Case No. 308 of 2025 is hereby set aside and the appellant above-named, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned court of Exclusive Special Judge, SC/ST(POA) Act, Nawada in connection with Hisua P.S. Case No. 308 of 2025.

7. Accordingly the appeal stands allowed.

(Ashok Kumar Pandey, J)

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