

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1803 of 2025

Arising Out of PS. Case No.-266 Year-2024 Thana- Kavaiya District- Lakhisarai

Shambhu Tanti S/O Manoj Tanti R/O Village- Kiul Basti, P.S- Kabaiya,
Distt.- Lakhisarai.

... .. Appellant

Versus

1. The State of Bihar
2. Kusum Devi W/O Shankar Manjhi R/O Village- Shekhpura Wazidpur, P.S-
Shekhpura, Distt.- Shekhpura.

... .. Respondents

Appearance :

For the Appellant/s : Mr.Rabi Bhushan, Advocate

For the Respondent/s : Mr.Sadanand Paswan, Spl.PP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

5 17-09-2025 Heard learned counsel appearing on behalf
of the appellant and learned Spl. PP appearing for
the State.

2.The appellant has preferred the present
appeal under Section 14A(2) of the Scheduled
Castes and Scheduled Tribes (Prevention of
Atrocities) Act, 1989 (hereinafter referred to as
“the Act”) against the refusal of prayer for bail vide
order dated 08.04.2025 passed by the learned
Additional District & Sessions Judge-I-cum-Special
Judge, SC/ST Act, Lakhisarai in connection with
Kavaiya P.S. Case No. 266 of 2024 registered for
the offences punishable under Sections 126(2),



115(2), 118(2), 109(1), 351, 352, 3(5) of the Bhartiya Nyay Sanhita, 2023 (in short the "B.N.S.") and section 3(1)(r)(s), 3(2)(va) of SC/ST (POA) Act.

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

4. The appellant is named in F.I.R. and is in custody since 07.02.2025.

5. The allegation against the appellant is to inflict knife injury on the stomach of brother of the informant namely, Prakash Kumar along with named and unknown co-accused persons and also alleged to abuse the injured by taking his caste name, who claimed to be a member of scheduled castes community.

6. Learned counsel appearing for the appellant submitted that nothing transpired from the face of FIR which may suggest *prima facie* that occurrence took place out of atrocities as defined within the meaning of SC/ST (POA) Act, 1989.

7. It is submitted that allegation of assault is appearing very much general and omnibus, and arguing further in this context, learned counsel



referred para 27 of the case diary, where specific allegation to inflict knife injury is available against co-accused namely, Ajay Kumar @ Chhotu. Taking shelter of statement of injured, it is further pointed out by learned counsel that no overt act appears attributed to this appellant, rather he was implicated with general and omnibus allegation as to abuse in caste name to this petitioner. While concluding argument, it is submitted that investigation of this case is already completed, charge-sheet has been submitted and as such, there is no chance of tampering with evidence, and moreover, appellant is a man of clean antecedent.

8. Learned Special P.P. for the State, while opposing prayer for bail, could not disputed the aforesaid factual submission as advanced by learned counsel appearing for the appellant. It is pointed out that abusing by taking caste name was made in public view.

9. In view of the submissions, as made above and by taking note of fact as specific allegation of inflicting knife injury is available



against co-accused Ajay Kumar @ Chhotu as per statement of the injured himself, coupled with the fact that investigation of this case is already completed, where appellant remains in custody since 07.02.2025, accordingly, appellant, above named, is directed to be released on bail in connection with Kavaia P.S. Case No. 266 of 2024, on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions Judge-I-cum-Special Judge, SC/ST Act, Lakhisarai/concerned court, subject to the condition as laid down under Section 437(3) Cr.P.C/Section 480(3) of the Bhartiya Nagarik Suraksha Sanhita (in short "B.N.S.S.").

10. Accordingly, impugned order dated 08.04.2025 is set aside.

11. Hence, appeal stands allowed.

(Chandra Shekhar Jha, J)

Rajeev/-

U		T	
---	--	---	--

