

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1994 of 2025**

Arising Out of PS. Case No.-195 Year-2022 Thana- JAGDISHPUR District- Bhagalpur

DIJAL TANTI Son of Late Bato Tanti @ Bhutku Tanti @ Late Butki Tanti
Resident of Village - Bhawanipur, P.S.- Jagdishpur, District - Bhagalpur.

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Manjula Devi Wife of Naresh Das Resident of Bhawanipur, P.S.- Jagdishpur,
District - Bhagalpur.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Sharda Nand Mishra, Adv. Mr. Dhananjay Kumar Gupta, Adv. Ms. Isha Mishra, Adv.
For the Respondent/s	:	Mr.Sadanand Paswan, Spl.PP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

4 27-11-2025 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

2. This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter in short referred to as the SC/ST Act) against the refusal of prayer of bail *vide* order dated 28.04.2025 passed by the learned District & Additional Sessions Judge-III-cum-Special Judge, SC/ST Act, Bhagalpur in connection with Jagdishpur P.S. Case No. 195 of 2022, Special SC/ST Case No. 243/2022 dated 20.05.2022 registered for the offence/s punishable u/ss 302, 120B of the Indian Penal Code



and Sections 3(1)(r), 3(1)(s), 3(2)(va) of SC/ST Act.

3. As per the prosecution case, the appellant and the co-accused persons along with 4-5 other unknown persons assaulted the son of the informant with bricks, rod and stick and inserted wooden stick in his mouth, due to which he died during the course of his treatment.

4. Learned counsel for the appellant has submitted that the appellant is innocent and has falsely been implicated in this case due to ulterior motive. The name of the appellant has been sprung up in this case on mere suspicion. The occurrence took place on 16.05.2022 but the FIR was lodged on 20.05.2022 i.e. the delay of four days and there is no explanation for this delay. It is further submitted that there is no specific allegation against the appellant rather the allegation against the appellant is general and omnibus in nature. There is no allegation of abusing against the appellant and hence, no offence under the provisions of SC/ST Act is made out against the appellant. The appellant has no concern with the alleged offence. The co-accused person has already been granted bail by a Bench of this court vide order dated 24.07.2025 passed in Cr. Appeal (SJ) No. 1458/2025. The appellant has no criminal antecedent as stated at para 3 of the bail petition. The appellant is in custody since 27.03.2025.



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

6. In view of the aforesaid facts and circumstances of the case as well as finding substance in the contention of the learned counsel for the appellant, the impugned order dated 28.04.2025 passed by the learned District & Additional Sessions Judge-III-cum-Special Judge, SC/ST Act, Bhagalpur in connection with Jagdishpur P.S. Case No. 195 of 2022, Special SC/ST Case No. 243/2022, is set aside against the appellant. The criminal appeal is allowed.

7. Accordingly, the above named appellant, is directed to be enlarged on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty thousand) with two sureties of the like amount each to the satisfaction of the learned District & Additional Sessions Judge-III-cum-Special Judge, SC/ST Act, Bhagalpur in connection with Jagdishpur P.S. Case No. 195 of 2022.

(Chandra Prakash Singh, J)

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