

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1033 of 2026

Arising Out of PS. Case No.-52 Year-2026 Thana- RAJAOLI District- Nawada

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1. Santosh Kumar Son of Bilas Yadav Resident of Mohalla- Bisthapit, Rajgir, Police Station- Rajgir in the district of Nalanda.
 2. Baban Kumar @ Pawan Kumar Son of Indu Yadav Resident of Village- Chhotaki Diha, Police Station- Tharthari in the district of Nalanda.

... .. Appellants

Versus

1. The State of Bihar
2. Ajay Rajbanshi Son of Shyam Lal Rajbanshi Resident of Village- Bhaba Bigha, Police Station- Rajauli in the district of Nawada.

... .. Respondents

Appearance :

For the Appellants : Mr. Sunil Kumar, Adv.
For the Respondents : Mr. Sadanand Paswan, Spl. PP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 17-07-2026 Heard the parties.

2. The appellants have preferred the present appeal under Section 14A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act (for short 'the Act') against the order dated 23.02.2026 passed by the learned Exclusive Special Judge, Special SC/ST (POA), Act, Nawada , in ABP No. 408 of 2026, in connection with Rajauli P.S. Case No. 52 of 2026 registered under Sections 115(2), 117(2), 126(2), 132, 310, 324(2), 351(2) and 352 of the Bharatiya Nyaya Sanhita (in short 'BNS',2023) and Sections



3(i)(r)(s) of SC/ST Act.

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

4. As per FIR, appellant no. 1, namely, Santosh Kumar is not named in FIR, whereas the appellant no. 2, namely, Baban Kumar @ Pawan Kumar is named in FIR and apprehending their arrest in Rajauli P.S. Case No. 52 of 2026.

5. As per FIR, the truck bearing Registration No. BR27GA 8411, which was seized on 28.01.2026 by S.D.M., Rajauli for which this petitioner, who is a local chowkidar, namely, Ajay Kumar Rajbansi was deputed in protection, was abused in his caste name along with 15 to 20 unknown co-accused person in midnight of 29.01.2026 and, thereafter, one of the co-accused Kamlesh Kumar forcibly taken away the aforesaid truck.

6. Learned counsel appearing for the appellants submitted that there is no allegation available against the appellant no.1 and he was also not named in FIR. It is submitted that appellant no. 2 was duly identified by this



informant as he had put one "tika" on his forehead during the occurrence and it is submitted that despite of specific identification by "tikka", no specific overt act was attributed to appellant No. 2 or even appellant no. 1 for taking away the seized truck forcibly from the custody of informant. It is submitted that specific allegation is available against the co-accused Kamlesh Kumar, who is the owner of the truck. It is submitted that admittedly the abuse was not made in public view and moreover, the same not appears to abuse in caste name and, therefore, it can be safely said that occurrence was not committed out of atrocities within the meaning of "atrocities" as defined under SC/ST (POA) Act, 1989. Appellants claimed clean antecedent.

7. Learned Special P.P. opposed the prayer of bail.

8. In view of aforesaid factual submissions and by taking note of fact, as despite specific identifications of appellant no. 2, no overt act against this petitioner appears attributed and same is the position with the appellant no. 1, who is not named in the FIR coupled with the fact that the abuse as alleged in caste name also *prima facie* not made in



public view, accordingly, both above-named appellants, in the event of their arrest or surrender before the learned trial Court, within a period of six weeks of the order, are directed to be released on bail furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge, Special Court SC/ST Act, Nawada, in connection with Rajauli P.S. Case No. 52 of 2026 subject to the conditions as laid down under Section 482(2) of the BNSS.

9. Accordingly, impugned order dated 23.02.2026 as passed through A.B.P. No. 408/2026 is hereby set aside.

10. Hence, appeal stands allowed.

(Chandra Shekhar Jha, J.)

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