

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1131 of 2026

Arising Out of PS. Case No.-40 Year-2025 Thana- SC/ST District- Aurangabad

Tuntun Saw son of Suresh Saw Resident of Village - Narachi P.O.- Dadhapa ,
P.S.-Dev, District - Aurangabad Bihar

... .. Appellant

Versus

1. The State of Bihar
2. Mahesh Paswan Son of Lakhan Paswan Resident of village- Jai Prakash Nagar, Po- Aurangabad, Ps- Nagar town, Aurangabad, Dist- Aurangabad

... .. Respondents

Appearance :

For the Appellant : Mr. Ranjit Kumar, Adv.

For the Respondents : Mr. Sadanand Paswan, Spl. APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

4 17-07-2026 Heard the parties.

2. The appellant has 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 07.01.2026 passed by the learned District and Additional Sessions Judge 1st cum Special Judge SC/ST N.D.P.S and Children Act), Aurangabad, in A.B.P. No. 2449/2025, in connection with Aurangabad (SC/ST) P.S. Case No. 40 of 2025 registered under Sections 191(2), 190, 126(2), 115(2), 352 and 324 of the Bharatiya Nyaya Sanhita (in short 'BNS',2023) and



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

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

4. Notice appears served to informant/ O.P. no.2 vide order dated 14.05.2026 by way of substituted mode of service, which shows that it has been served validly upon the informant/O.P. no.2 but failed to join the present proceedings.

5. The informant is the Headmaster of the school, who alleged that the appellant along with other co-accused persons assaulted him during the occurrence and also abused him by caste name.

6. Learned counsel appearing for the appellant submitted that when the villagers including the appellant went to school for complaining about compromised quality of midday-meal, the informant who is the Headmaster of school entered into hot exchange of words with appellant and other co-villagers and to save himself, instead to redress the grievances, implicated the appellant and other co-accused persons falsely with the present crime in question. It is



submitted that the factual aspects of this case nowhere suggest that occurrence took place for the reason that the informant was the member of Schedule Caste community and, therefore, the implication of appellant with SC/ST (POA) Act, 1989 appears not justified and moreover, the alleged caste based abuse was not made in public view.

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

8. In view of aforesaid factual submissions and by taking note of fact as allegations of assault is general and omnibus and also on non vital parts like leg, where abuse in caste name is also *prima facie* not made in public view, accordingly, above-named appellant in the event of his arrest or surrender before the learned trial Court, within a period of six weeks of the order, is directed to be released on bail furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned District and Additional Sessions Judge- 1st -cum- Special Judge (SC/ST, N.D.P.S. and Children Act) Aurangabad(Bihar), in A.B.P. No. 2449/2025, in connection with Aurangabad(SC/ST) P.S. Case No. 40 of 2025, subject



to the conditions as laid down under Section 482(2) of the
BNSS.

9. Accordingly, impugned order dated 07.01.2026 as
passed through A.B.P. No. 2449/2025 is hereby set aside.

10. Hence, appeal stands allowed.

(Chandra Shekhar Jha, J.)

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