

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1880 of 2025

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

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Ajay Kumar @ Chhotu Kumar @ Chhotu S/o Baleshwar Ram @ Baldev Ram
R/o Village- Kiul Basti, P.S.- Kabaiya, Distt.- Lakhisarai

... .. Appellant/s

Versus

1. The State of Bihar
2. Kusum Devi W/o Shankar Manjhi R/o Village- Sheikhpura Bajidpur, P.S.-
Sheikhpura, Distt.- Sheikhpura

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Jitendra Narain Sinha, Advocate
For the Respondent/s	:	Mr. Sadanand Paswan, Spl. PP

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CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

4 03-02-2026 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

2. The instant appeal has been filed by the appellant against the order dated 09.04.2025 passed by learned District & Additional Sessions Judge-I cum-Special Judge, SC/ST Act, Lakhisarai whereby the prayer for bail of the appellant in connection with Kabaiya P.S. Case No. 266 of 2024 under Sections 126(2), 115(2), 118(2), 109(1), 351, 352, 3(5) of B.N.S., 2023 and Sections 3(2) (va) of SC/ST (POA) Act was rejected.

3. The case of the respondent in short is that the appellant and one other named Shambhu Tanti and three unknown persons abused the brother of the respondent with caste name and when the brother of the respondent, namely, Brajesh, objected, all



the accused persons surrounded him and started assaulted him. It is further alleged that the accused persons assaulted the informant's brother with knife in the stomach of informant's brother.

4. It is submitted by learned counsel for the appellant that appellant has been falsely implicated in this case. Learned counsel for the appellant submits that there is a general and omnibus allegation against two known and three unknown persons. There is no specific allegation against the appellant. He also submits that similarly situated co-accused, namely, Shambhu Tanti, has been granted the privilege of bail passed in Cr. Appeal (SJ) No. 1803 of 2025. From perusal of the order of the learned coordinate bench of this court, it is clear that there is a specific allegation against the appellant of assaulting. As far as the nature of the injury is concerned, the learned counsel for the appellant has submitted that from perusal of the order of the learned trial court, it will transpire that the learned trial court has recorded that the injury report of the victim, namely, Prakash Kumar, shows an incised wound on the left lumbar region, 1 inch long with stitched. He further submits that this injury goes to show that prior to this, the victim must have been examined at some place, as this report reveals that the victim has received an injury of 1 inch, which is stitched. He also submits that as far as the allegation of abusing



the respondent with caste name is concerned, that is general and omnibus in nature, and it has further been submitted that the appellant is all well and has recovered from the injuries. Moreover, the appellant is languishing in judicial custody since 06.12.2024.

5. The appeal for bail is opposed by learned Spl. P.P. for the State.

6. Having heard learned counsel for the parties and taking into consideration, the facts and circumstances of the case, the Court is inclined to allow this appeal. Accordingly, the appeal is allowed and the impugned order dated 09.04.2025 is hereby set aside.

7. The appellant is directed to be enlarged on bail in connection with R.B.A. No. 507 of 2025 arising out of Kabaiya P.S. Case No. 266 of 2024 on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned District & Additional Sessions Judge-I, cum-Special Judge, SC/ST Act, Lakhisarai.

(Ashok Kumar Pandey, J)

Sudhanshu/-

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