

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.784 of 2025

Arising Out of PS. Case No.-915 Year-2024 Thana- ALAMGANJ District- Patna

Ashik Kumar Son of Rohit Ram Resident of Mina Bazar, Harijan Colony, P.S.
- Alamganj, District - Patna

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Arvind Kumar Singh, Advocate
For the Respondent/s : Mr. Sadanand Paswan, APP
For the Informant : Mr. Arvind Kumar, Advocate

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

5 28-07-2025 Heard learned counsel for the appellant, learned
Special Public Prosecutor for the State and learned counsel for
the informant. Perused the case diary.

2. The instant appeal has been filed by the appellant
against the order dated 20.01.2025 passed by learned Exclusive
Special Judge, SC/ST, Civil Court (Sadar), Patna whereby the
prayer for bail of the appellant in connection with Alamganj P.S.
Case No. 915 of 2024 under Sections 118(2), 109, 103, 3(5) of
the BNS and Sections 3(2)(v) of the of SC/ST Act was rejected.

3. The prosecution case, in short, is that the appellant
along with other co-accused persons unanimously assaulted the
brother of the informant and his friends by means of chopper



due to which the deceased received head and neck injuries.

4. Learned counsel for the appellant submits that the appellant has falsely been implicated in the present case. Learned counsel further submitted that although the appellant is named in the FIR but on perusal of the FIR itself it appears that he has been named only on the basis of suspicion. Learned counsel further submitted that as per material cropped up during investigation, one Piyush Kumar gave chopper blow on the deceased. Learned counsel for the appellant further submitted that the appellant has not taken the caste name of the informant in public view, hence, no offence under the provisions of SC/ST Act is made out against him. The appellant has no intention to disgrace the image of the informant in public view. The appellant is in custody since 15.10.2024 and has one criminal antecedent. The co-accused person has already been granted bail by this Court vide order dated 27.03.2025 passed in Cr. Appeal (SJ) No. 5393 of 2024.

5. Learned Special P.P. for the State and the informant have vehemently opposed the prayer for grant of bail to the appellant.

6. Considering the aforesaid facts and circumstances of the case, claim based on parity and the period of custody



undergone by the appellant, this Court is inclined to allow this appeal. Accordingly, the appeal is allowed and order dated 20.01.2025 passed by learned Exclusive Special Judge, SC/ST, Civil Court (Sadar), Patna in connection with Alamganj P.S. Case No. 915 of 2024 is hereby set aside.

7. Let the appellant, abovenamed, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Alamganj P.S. Case No. 915 of 2024.

(Rudra Prakash Mishra, J)

Alok Verma/-

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