

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.849 of 2025

Arising Out of PS. Case No.-443 Year-2024 Thana- SHAHPUR PATORI District- Samastipur

Aryan Kumar @ Aryan Raj Son of Kunal Singh @ Kunal Kumar @ Kunal
Kumar Singh @ Kunal Ray Resident of Village- Sirdilpur, P.S.- Shahpur
Patory, District - Samastipur

... .. Appellant/s

Versus

1. The State of Bihar
2. Renu Devi Wife of Chunchun Mahto Resident of Vill- Sirdilpur, P.S.-
Shahpur, District- Samastipur

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Mahendra Pratap, Advocate
For the Respondent/s	:	Mrs. Usha Kumari 1, APP

CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

3 12-11-2025 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

2. This appeal has been preferred against the order dated 28.01.2025 passed by the learned Special Judge, S.C./S.T. (P.O.A.) Act, Samastipur in connection with Shahpur Patory P.S. Case No. 443 of 2024, registered for the offences under Sections 126(2), 115(2), 352, 351(2)/3(5) of the BNS and Sections 3(1)(r)(s) and 3(2)(va) of the S.C./S.T. (Prevention of Atrocities) Act.

3. As per the prosecution case, appellant along with co-accused persons are alleged to have assaulted informant's son causing him injury with allegation that he was involved in the commission of theft from Gumti of Bihari Ray. They are



also alleged to have abused the victim by taking his caste name.

4. Learned counsel for the appellant submits that the allegations made in the F.I.R. are general and omnibus in nature, and the appellant has been falsely implicated in this case. It is further submitted that during the course of playing cricket some arguments took place between the parties and the informant lodged the false case against the appellant. The alleged occurrence took place on 04.11.2024, whereas, FIR has been lodged on 10.11.2024 i.e. is the delay of about 6 days without any plausible reason. He further submitted that appellant has never misbehaved the victim in public place or public view and the allegation of abusing by caste name is super addition. Further, it is submitted that no offence under the provisions of the S.C./S.T. (Prevention of Atrocities) Act is made out against the appellant.

5. Learned counsel for the informant has opposed the prayer for bail.

6. Considering the facts and circumstances of the case and submissions of the parties, this appeal is allowed, and accordingly, the order dated 28.01.2025 passed by the learned Special Judge, S.C./S.T. (P.O.A.) Act, Samastipur in connection with Shahpur Patory P.S. Case No. 443 of 2024 is set aside.



8. Let the appellant, in the event of his arrest or surrender within four weeks from today, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Special Judge, S.C./S.T. (P.O.A.) Act, Samastipur/ concerned Court below in connection with Shahpur Patory P.S. Case No. 443 of 2024, subject to the conditions laid down under Section 438(2) of the Code of Criminal/ Section 482(2) of the B.N.S.S.

(Sunil Dutta Mishra, J)

khushbu/-

U		T	
---	--	---	--

