

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1428 of 2025

Arising Out of PS. Case No.-13 Year-2025 Thana- SC/ST District- Samastipur

Mantosh Giri @ Mantosh Kumar S/O Sankar Giri @ Shankar Giri R/O
Village- Raipur, P.S- Ujiyarpur, Distt.- Samastipur.

... .. Appellant/s

Versus

1. The State of Bihar
2. Aklu Paswan S/O Late Jagdu Paswan R/O Village- Raipur, P.S- Ujiyarpur,
Distt.- Samastipur.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Dilip Kumar Roy, Advocate
For the Respondent/s	:	Mr. Sadanand Paswan, Spl. PP
For respondent no. 2		Mr. BARUN KUMAR SINGH , Advocate
		Mr. AKSHANSH SHANKER, Advocate

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

4 12-11-2025 Heard learned counsel for the appellant, learned
counsel for respondent no. 2 and learned Special Public
Prosecutor for the State.

2. This is an appeal under Section 14 A (2) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act, 1989 (hereinafter referred to as the “SC/ST
Act”) against the refusal of prayer for bail vide order dated
26.03.2025 passed by the learned Special Judge, SC/ST Act,
Samastipur in A.B.P. No. 582 of 2025 arising out of Samastipur
SC & ST P.S. Case No. 13 of 2025 dated 02.02.2025 registered
for the offences punishable under Sections 126(2), 115(2),
303(2), 329(4), 352, 351(2), 3(5) of Bharatiya Nyaya Sanhita,
2023 and section 3(i)(r)(s), 3(2)(va) of SC/ST Act.



3. The case of the prosecution, in brief, is that on the alleged date of occurrence, the appellant along with other accused persons was slapping the grandson of the informant and abusing by taking his caste name. It is also alleged that all accused persons entered the house of the informant and assaulted the informant by means of lathi.

4. Learned counsel for the appellant submits that the appellant is innocent and he has been falsely implicated in this case. It is further submitted that there is no specific allegation against the appellant rather the allegation against the appellant is general and omnibus. The real fact is that the informant runs a shop and his grandson Sumit Paswan was sitting in the shop and the appellant was going to collect milk and he parked his motorcycle in front of his shop due to which a hot talk took place between them. Then the informant came with other people of his community and assaulted the appellant. It is further submitted that the appellant is a student. No case under Section 3(1)(r)(s) or 3(2)(va) of SC/ST Act is made out against the appellant. It is further submitted that the matter has been settled between the parties outside the court. Lastly, it is submitted the appellant has no criminal antecedents.

6. Learned Special Public Prosecutor for the State has



vehemently opposed the prayer of the appellant. Learned counsel for respondent no. 2 affirmed the statement made by the learned counsel for the appellant that the matter has already been settled between the parties outside the court.

7. Having considered the facts and circumstances of the case, let the above named appellant, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, upon furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, SC/ST Act, Samastipur in connection with Samastipur SC & ST P.S. Case No. 13 of 2025, subject to the condition as laid down under Section 482(2) of the Bharatiya Nagarik Suraksha Sanhita, 2023.

8. The impugned order dated 26.03.2025 passed in connection with Samastipur SC/ST P.S. Case No. 13 of 2025 by the learned Special Judge, SC/ST Act, Samastipur is hereby set aside.

9. The appeal stands allowed.

(Khatim Reza, J)

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