

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5264 of 2024

Arising Out of PS. Case No.-112 Year-2023 Thana- MOHIUDDIN NAGAR District-
Samastipur

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Aashish Ranjan @ Aashish Aryan @ Ashish Aryan Son of Veer Bahadur Rai @
Birbahadur Prasad R/O Vill.- Mohanpur, P.S.- Patory(Mohanpur O.P.), Dist.-
Samastipur.

... .. Appellant/s

Versus

1. The State of Bihar
2. Subhash Kumar Choudhary Son of Late Nagina Choudhary R/O Mohalla- Karim
Nagar Ward no. 6, P.S.- Mohiuddin Nagar, Dist.- Samastipur.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mrs. Bela Singh, Adv.
For the Respondent/s : Mr. Sadanand Paswan, Spl. PP.

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

4 12-11-2025 Heard Mrs. Bela Singh, learned counsel for the

appellant and Mr. Sadanand Paswan, learned Spl.P.P. for the State.

2. The instant appeal has been filed under Section 14-A
(2) of the Scheduled Caste and Scheduled Tribes (Prevention of
Atrocities Act) hereinafter referred to as the SC/ST (POA) Act,
1989 against the order dated 23.10.2024 passed by the Court of
Special Judge, SC/ST (POA) Act, Samastipur in connection with
Mohiuddinnagar P.S. case no. 112 of 2023 registered for the
offences under Sections 341, 342, 323, 324, 307, 448, 427, 504,
506, 34 of the Indian Penal Code and Sections 3(1) (r)/3(1)
(s)/3(2) (va) of SC/ST (POA) Act by which the appellant's prayer
for anticipatory bail was rejected.

3. The main submissions advanced by appellant's



counsel are that in respect of the same occurrence two FIRs, i.e. Mohiuddinnagar P.S. case no. 112 of 2023 and Mohiuddinnagar P.S. case no. 111 of 2023 have been lodged and the second case was lodged by the Circle Officer Mohiuddinnagar in which allegation of marpit as well as abuse has also been made against the appellant and others and in that case the appellant has been granted anticipatory bail by a co-ordinate bench of this court vide order dated 11.12.2024 passed in Cr. Misc. No. 84556 of 2024 and so far as merit of allegation is concerned there is simple allegation of having assaulted at the head of informant by mike only and he is not alleged to have abused the informant and it is not the case of prosecution that the informant was assaulted merely on account of his belonging to the Scheduled Caste category, hence, the alleged offences under SC/ST Act as leveled in the FIR do not attract against the appellant and his prayer is not hit by section 18 of the SC/ST Act. It is further submitted that there is only one injured person as per prosecution story i.e. the informant, who sustained simple injury and the alleged occurrence was not pre planned.

4. Learned Special P.P though opposed this appeal but fairly accepted that the instant matter relates to a case of simple assault.



5. Considering the aforesaid submissions and mainly taking into account the nature of allegation appearing against the appellant and also the fact that during the course of argument the prosecution has failed to point out that the alleged assault committed by the appellant upon the informant was on account of the informant's caste and further the allegation of abuse is specific against other accused persons named in the FIR, in my opinion the appellant deserves to the privilege of anticipatory bail as his prayer is not hit by Section 18 of the SC/ST Act.

6. Accordingly, the instant appeal stands allowed and the impugned order is hereby set aside.

7. Let the appellant, above named, in the event of his arrest/surrender within four weeks from today before the Court below, be released on bail on furnishing bail bond of Rs.20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, SC/ST (POA) Act, Samastipur in connection with Mohiuddinnagar P.S. case no. 112 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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(Shailendra Singh, J)

