

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.310 of 2026

Arising Out of PS. Case No.-166 Year-2025 Thana- MOHIUDDIN NAGAR District-
Samastipur

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1. Nitish Kumar @ Nitish Kumar Ray S/o Late Santosh Ray @ Dahaur Ray R/o Village- Ward No 05, Kursaha, PS- Mohiuddin Nagar, District- Samastipur
 2. Aatish Kumar S/o Late Santosh Ray @ Dahaur Ray R/o Village- Ward No 05, Kursaha, PS- Mohiuddin Nagar, District- Samastipur
 3. Golu Kumar S/o Ajay Ray @ Katha R/o Village- Ward No 05, Kursaha, PS- Mohiuddin Nagar, District- Samastipur

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Dinesh Ram S/o Late Yogendra Ram R/o Village- Kursaha, PS- Mohiuddin Nagar, District- Samastipur

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Bijay Bhushan Prasad, Advocate Ms. Rani Shashi Bharti, Advocate
For the Respondent/s	:	Mr. Sadanand Paswan, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 25-06-2026 1. Heard learned counsel for the appellants, learned Special Public Prosecutor for the State and learned counsel appearing on behalf of the informant.

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 anticipatory bail vide order dated 03.01.2026 in A.B.P. No. 2932 of 2025 passed by the learned Special Judge, SC/ST, Samastipur in connection with Mohiuddin Nagar P.S. Case No. 166 of 2025 registered



under Sections 126(2), 115(2), 118(1), 109(1), 74, 303(2), 352, 351(2), 351(3) and 3(5) of the BNS as well as Sections 3(1)(r) (s), 3(2)(va) and 3(1)(w)(i) of the SC/ST Act.

3. Learned counsel appearing on behalf of the appellants submits that appellants no. 1 and 2 have antecedent of one case and appellant no. 3 is a person with clean antecedent and is a young boy aged about 18 years and the informant alleges that on 28.07.2025 at 08:00 p.m. he was coming back home after purchasing medicine and saw that appellants along with Jyotish had parked their motorcycle on road and were carrying arms, when he asked them to remove the motorcycle, all the accused persons abused by taking caste name and assaulted causing injury on head and also assaulted his wife and snatched cycle and ring. It is further alleged that appellants came to the house of the informant and threatened not to institute a case.

4. Learned counsel for the appellants submits that appellants have been falsely implicated in the instant case by the informant. It is further submitted that from perusal of the allegation as alleged in the FIR, it would manifest that allegation of abuse and assault is not specific. It is next submitted that it does not appear probable that all accused in



one go would have abused the informant by taking caste name. It is also submitted that date of occurrence is 28.07.2025 and the FIR came to be instituted on 06.08.2025 i.e. after a delay of more than nine days which casts an aspersion on the case of the prosecution. It is submitted that had the informant been assaulted in the manner as alleged in that event, the hospital would have informed the police that a case of assault has come but then that is not the case as the FIR has been instituted based on the written application of the informant.

5. Learned Special Public Prosecutor for the State and learned counsel appearing on behalf of the informant opposed the prayer for anticipatory bail of the appellants.

6. Considering the submissions made by the learned counsel appearing on behalf of the appellants, let the appellants, above-named, in the event of their arrest or surrender within a period of six weeks from the date of receipt of the order, be released on anticipatory bail on furnishing bail bonds of Rs.5,000/- (Rupees Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned Trial Court where the case is pending in connection with the aforesaid case, subject to the conditions as laid down under Section 438(2) of the Cr.P.C./482(2) of the B.N.S.S.



7. Accordingly, the impugned order is set aside and
this appeal stands allowed.

(Satyavrat Verma, J)

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