

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4003 of 2025

Arising Out of PS. Case No.-39 Year-2025 Thana- SC/ST District- Begusarai

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Bittu Rai @ Bittu Ray S/O Devan Rai R/O Vill.- Naya Nagar Bishunpur,
Dumari, P.s.- Lakho, Dist.- Begusarai.

... .. Appellant/s

Versus

1. The State of Bihar
2. Dharamveer Paswan S/O Parmanand R/O Vill.- Naya Nagar Bishunpur,
Ward no. 1, P.s.- Lakho, Dist.- Begusarai.

... .. Respondent/s

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Appearance :

For the Appellant	:	Mr. Akash Kumar Mishra, Advocate
For the State	:	Ms. Usha Kumari 1, Spl.PP
For the Informant	:	Mr. Kumar Binode Bariar, Advocate

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

5 09-07-2026 Heard learned counsel appearing for the appellant,

learned Special Public Prosecutor appearing for the respondent-

State and learned counsel appearing for the

informant/Respondent No. 2.

2. This appeal has been filed for setting aside order dated 21.08.2025 passed in a case registered for the offence punishable under Sections 126(2), 115(2), 118(1), 352, 76 and 3(5) of the B.N.S. and Sections 3(1)(r)(s) and 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, whereby the prayer for grant of anticipatory



bail of this appellant has been rejected.

3. As per prosecution case, informant alleged that he had taken Rs. 10,000/- on credit from the accused persons six months back and had returned Rs. 16,000/- with interest, however, on 26.07.2025 at about 9 AM, all the F.I.R. named accused persons, including this appellant, came to the house of informant armed with weapons and asked informant to refund the amount given to him at interest rate of 20%. Upon protest, all the accused persons abused informant by caste name and assaulted him. It is further alleged that when wife of informant came to rescue, she was also assaulted and abused by caste name.

4. It is submitted by learned counsel appearing on behalf of the appellant that appellant is quite innocent and has committed no offence. As a matter of fact, informant had taken money from the appellant and other co-accused persons and when they demanded their money back, this false and concocted case has been lodged. Allegation of assault is general and omnibus and no specific accusation of overt act has been levelled against this appellant. Rest of the allegations are ornamental in order to make the case grave. It is further submitted that it is not the case of the prosecution that any



member of public was present at the place of occurrence and as such, no case under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act is made out against this appellant. Appellant claims clean antecedents.

5. Learned Spl. P.P. appearing for the respondent-State and learned counsel appearing for the informant/Respondent No. 2 have vehemently opposed the prayer for grant of bail to the appellant.

6. Considering the facts and circumstances of the case, general and omnibus nature of accusation and clean antecedents of the appellant, this appeal is allowed and the impugned order dated 21.08.2025 passed by the learned Exclusive Special Judge, SC/ST (POA) Act, Begusarai in connection with A.B.A. No. 1738 of 2025 arising out of S.C./S.T. P.S. Case No. 39 of 2025 is hereby set aside with respect to this appellant only.

7. Accordingly, let the appellant, named above, in the event of arrest/surrender within a period of eight weeks from the date of receipt/production of a copy of this order, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, SC/ST (POA) Act, Begusarai



in connection with S.C./S.T. (Begusarai) P.S. Case No. 39 of
2025.

(Prabhat Kumar Singh, J)

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