

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4354 of 2025

Arising Out of PS. Case No.-376 Year-2024 Thana- SAMASTIPUR MUFFASIL District-
Samastipur

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Ashok Kumar Ray @ Santosh Ray S/o Visho Ray Resident of village -
Jitwarpur Dih, P.S - Samastipur Muffasil, District - Samastipur

... .. Appellant/s

Versus

1. The State of Bihar
2. Satan Paswan S/o Dorik Paswan Resident of Village - Bejha Dih, Ward No.
2, P.S _ Samastipur Muffasil, District - Samastipur

... .. Respondent/s

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Appearance :

For the Appellant	:	Mr. Raja Ram Mishra, Advocate
For the State	:	Mr. Binay Krishna, Spl.PP
For the Informant	:	Mr. Subhesh Pandey, Advocate
		Mr. Amit Kumar Mishra, Advocate

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 16-07-2026 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 29.08.2025 passed in a case registered for the offence
punishable under Sections 126(2), 115(2), 109 and 3(5) of the
B.N.S. and Sections 3(1)(r), 3(1)(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, it is alleged that on 11.09.2024 at about 7:30 AM, all the F.I.R. named accused persons, including this appellant, riding on a motorcycle, armed with sword, iron rod and hockey stick, came there, abused informant with caste based slurs and assaulted him. It is further alleged that the accused persons demanded *Rangdari* from the informant and snatched Rs. 300/- from his pocket.

4. It is submitted by learned counsel appearing on behalf of the appellant that appellant is quite innocent and has committed no offence. The present case is counter-blast of Samastipur Muffasil P.S. Case No. 373 of 2024 which was lodged by co-accused Mantun Kumar and in retaliation and only with a view to save their skin from the aforesaid case, 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. Doctor has found the injuries, allegedly caused by this appellant, simple in nature. Rest of the allegations are ornamental in order to make the case grave. It is lastly 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.

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, case and counter-case between the parties and nature of injuries allegedly caused by this appellant, this appeal is allowed and the impugned order dated 29.08.2025 passed by the learned Special Judge, SC/ST (POA) Act, Samastipur in connection with A.B.P. No. 2235 of 2025 arising out of Samastipur Muffasil P.S. Case No. 376 of 2024 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 Special Judge, SC/ST (POA) Act, Samastipur in



connection with Samastipur Muffasil P.S. Case No. 376 of 2024.

(Prabhat Kumar Singh, J)

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