

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1253 of 2025**

Arising Out of PS. Case No.-581 Year-2024 Thana- BARUN District- Aurangabad

Vidya Bhushan Pandey, S/O Dinesh Pandey, R/O Village- Dhuriya, P.S.-
Barun, District- Aurangabad.

... .. Appellant/s

Versus

1. The State of Bihar
2. Manish Pandey, S/O Late Ramlakhan Pandey, R/O Vill.- Dhuriya, P.S.-
Barun, Dist.- Aurangabad.

... .. Opposite Parties

Appearance :

For the Appellant/s : Mr.Kumar Baitha, Advocate
For the State : Mr.Sadanand Paswan, Spl. PP
For the informant : Mr. Priyanshu Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

7 01-12-2025 Heard learned counsel appearing for the appellant,

learned Special Public Prosecutor appearing for the respondent-

State and learned counsel appearing for the informant/Opposite

Party No. 2.

2. This appeal has been filed for setting aside the

order dated 24.02.2025 passed by the Special Judge (SC/ST)-

cum-1st District and Additional Sessions Judge, Aurangabad

(Bihar) in Regular Bail Application No. 89/2025, arising out of

Barun P.S. Case No. 581 of 2024, registered for the offences

punishable under Sections 126(2), 115(2), 109, 103(1), 351(2),

3(5) of the B.N.S., 2023 and Section 3(1)(r) and 3(1)(s) of the

Scheduled Castes and Scheduled Tribes (Prevention of



Atrocities) Act, 1989, whereby the prayer for regular bail of this appellant has been rejected.

3. As per prosecution case, informant, namely Manish Pandey, alleges that on 19.12.2024, he along with his father and brother was harvesting paddy crop. In the meantime, all the F.I.R. named accused persons, including this appellant, came there and threatened them to stop harvesting. It is further alleged that after some time, they again came variously armed and attacked the informant and his father and brother and abused them by caste name. During assault, co-accused Chitranjan Pandey stabbed the informant in the stomach and the appellant assaulted on head of Ram Lakhan Pandey by means of Garasa causing his death on the spot.

4. Learned counsel for the appellant submits that the appellant is innocent and has falsely been implicated in this case. As per F.I.R., this appellant assaulted on the head of Ram Lakhan Pandey by means of Garasa whereas from the *post mortem* report, no injury was found on the head of the deceased by Garasa. The *post mortem* report falsify the prosecution case. Informant does not belong to the S.C. or S.T. community and as such, no offence under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act is applicable against the



appellant. Appellant claims clean antecedent and is in custody since 20.12.2024.

5. Learned Special Public Prosecutor for the State as well as learned counsel for the informant/Opposite Party No. 2 vehemently opposes the appeal.

6. However, considering the aforesaid facts and circumstances, the impugned order dated 24.02.2025 passed by the Special Judge (SC/ST)-cum-1st District and Additional Sessions Judge, Aurangabad (Bihar) in Regular Bail Application No. 89/2025, arising out of Barun P.S. Case No. 581 of 2024 is, hereby, set aside and this criminal appeal is allowed.

7. Let the appellant, named above, be released 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)-cum-1st District and Additional Sessions Judge, Aurangabad (Bihar) in connection with Barun P.S. Case No. 581 of 2024.

(Prabhat Kumar Singh, J)

P.K.P./-

U			
---	--	--	--

