

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.262 of 2026

Arising Out of PS. Case No.-407 Year-2025 Thana- BIHIA District- Bhojpur

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Ashutosh Pandey Son of Vinod Pandey @ Vinod Kumar Pandey R/o Village
Mishrauli Sandaur, P.S.- Bihiya, District - Bhojpur

... .. Appellant/s

Versus

1. The State of Bihar
2. Krishna Kumar Ram Son of Sri Sudarshan Ram Resident of village
Misrauli, Post - Sandau, P.S.- Bihiya, Dist.- Bhojpur.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Kumar Goutam, Adv
For the Respondent/s : Mr. Binay Krishna, Spl. P.P.

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR SINHA
ORAL ORDER

3 16-04-2026 Heard learned counsel for the appellant and learned

Spl. P.P. for the State.

2. This is an appeal under Sections 14(A)(2) against refusal of the prayer for anticipatory bail by order dated 20.12.2025 passed by the learned Court of 1st Additional Sessions Judge cum Special Judge, SC/ST, Bhojpur at Ara in connection with Bihiya P.S. Case No. 407 of 2025 registered under Sections 191(2), 190, 126(2), 115(2), 109(1), 303(2), 351(2) & 352 of the Bharatiya Nyay Sanhita and Sections 3(1)(r)(s), 3(2)(v) of the Scheduled Castes and Scheduled Tribes Act.

3. The case of the prosecution, in short, as per the informant is that on 02.11.2025 at about 08:15 PM, the informant was standing near Kali Mandir. In the meantime, Sanjeev Mishra, Ankit Mishra, Love Prasad, Monu Kumar,



Ranjeet Mishra, Niranjana Mishra, Ashutosh Pandey and Lovekush Pandey along with 10-20 unknown persons had assembled there and had switched off the temple lights. Upon the informant's objection, accused Sanjeev Mishra abused him using caste based derogatory words, questioned his entry into the temple. Thereafter, the accused persons armed with sticks and weapons assaulted the informant with intent to kill, causing a head injury resulting unconsciousness. It is further alleged that during the occurrence, accused Ashutosh Pandey snatched the informant's gold locket. The informant was rescued by nearby persons.

4. Learned counsel for the appellant submits that the appellant is innocent and has not committed any offence. He further submits that he has falsely been implicated in this case due to village rivalry. He further submits that there is no specific allegation of assault has been made against the appellant and he has no criminal antecedent.

5. Learned Special Public Prosecutor for the State has vehemently opposed the prayer for bail of the appellant based upon the allegation made in the F.I.R.

6. From the reading of the allegations in the FIR, it is apparent that there is no allegation against the appellant of



having abused the informant on caste lines, therefore, *prima facie*, case of SC/ST Act is not made out against the appellant. The other allegations of assault are general and omnibus in nature. The appellant seems to have been implicated as he was alleged to be member of the gang.

7. Considering all these above-mentioned aspects, let the appellant, above named, in the event of his arrest to surrender before the Court below within a period of thirty days from the date of receipt of the order, be released on anticipatory bail on furnishing each of them bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Court of 1st Additional Sessions Judge cum Special Judge, SC/ST Act, Bhojpur at Ara in connection with Bihiya P.S. Case No. 407 of 2025, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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

(Alok Kumar Sinha, J)

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