

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.525 of 2026**

Arising Out of PS. Case No.-450 Year-2025 Thana- KUDRA District- Kaimur (Bhabua)

Pawan Kumar @ Pawan Kumar Gupta @ Amit Kumar, S/O Pramod Kumar
R/O Vill - Lalapur, P.S.- Kudra, Distt.- Kaimur At Bhabua

... .. Appellant/s

Versus

1. The State of Bihar
2. Amarjeet Kumar S/o Chhathu Chaudhary R/o vill - Karma, P.S.- Kudra,
Distt.- Kaimur at Bhabua

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Tribhuwan Narayan
For the Respondent/s	:	Ms. Usha Kumari 1- Spl.P.P. Mr. Rajani Kant Singh

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 20-07-2026 1. Heard learned counsel for the appellant, the

learned counsel appearing on behalf of the informant and

the learned Special Public Prosecutor for the State.

2. The appellant has challenged the order dated
15.01.2026 passed by the learned Additional Sessions
Judge-1st Kaimur at Bhabhua in connection with ABP
No.2473 of 2025 arising out of Kudra P. S. Case No.450 of
2025, instituted for the offences under Sections 126(2),
115(2), 109, 303(2), 352, 351(2) and 3(5) of the Indian
Penal Code and Section 3(1)(r)(s),3(1)(w)(i) of the
Scheduled Castes & Scheduled Tribes (Prevention of



Atrocities) Act, whereby his prayer for grant of anticipatory bail has been rejected.

3. The learned counsel appearing on behalf of the appellant submits that appellant is a person with clean antecedent and the informant alleges that he runs a CSP, on 31.10.2025, a girl came and withdrew an amount of Rs.10,000/- and again said, she wants to withdraw another Rs.1000/-, on which informant asked her to wait and there were customers in queue, hence she left in anger and after sometimes appellant, Deepak and Hemant along with two unknown accused came and entered the CSP and abused by taking caste name and assaulted him by fighter causing injury on head on the issue that informant did not withdraw an amount of Rs.1000/- for the girl.

4. The learned counsel for the appellant submits that appellant has been falsely implicated in the instant case by the informant. It is next submitted that from perusal of the allegations as alleged in the FIR, it would manifest that no specific allegation of assault is alleged against any of the accused persons. It is further submitted that the occurrence took place on 31.10.2025 and the FIR came to be instituted



on 28.11.2025 i.e. after a delay of more than 27 days which casts an aspersion on the case of the prosecution. It is further submitted that it appears that the occurrence took place in some other manner and the informant, for reason best known, implicated the appellant along with other accused persons. It is also submitted that had the appellant been assaulted in the manner as alleged in the FIR, in that event, the hospital would have informed the police that case of assault has been reported for treatment. It is reiterated and submitted that delay is fatal which casts an aspersion on the case of the prosecution.

5. The learned Special P. P. as well as the learned counsel appearing on behalf of the informant opposes the bail application, but then are not in a position to rebut the submission of the learned counsel appearing on behalf of the appellant that the FIR has been instituted based on written application of the informant after 27 days of the occurrence.

6. After hearing the learned counsel for the parties and considering the submissions made by the learned counsel appearing on behalf of the appellant, the appellant,



above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs.5,000/- (Rupees Five Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-1st Kaimur at Bhabhua in connection with ABP No.2473 of 2025 arising out of Kudra P. S. Case No.450 of 2025, subject to the conditions laid down under Section 482(2) of the BNNS.

(Satyavrat Verma, J)

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