

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.808 of 2026

Arising Out of PS. Case No.-152 Year-2025 Thana- MAHKAR District- Gaya

Ashutosh Kumar S/o- Deepak Tripathi @ Deepak Kumar Tripathi R/v- Karpi
PS- Mehkar District-Gaya ji

... .. Appellant/s

Versus

1. The State of Bihar
2. Sahil Kumar S/o- Sarvan Kumar R/v- Sagarpur Karpi Khizarsarai Ps-
Mehkar Dist- Gaya Ji

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Prasoon Kumar, Advocate

For the Respondent/s : Mr. Sadanand Paswan, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

3 17-07-2026 Heard Mr. Prasoon Kumar, learned counsel for the
appellant, the State as also Mrs. Pratibha Shrivastava, learned
counsel representing the respondent no. 2.

2. This appeal has been filed for setting aside the order
dated 02.02.2026 passed by learned Court of Exclusive Special
Judge, SC/ST, Gaya Ji in connection with Mahkar P.S. Case No.
152 of 2025 registered for the offence punishable under sections
126(2), 115(2), 109, 352 and 3(5) of the BNS and sections 3(i) (r)
(s) of the SC/ST (POA) Act whereby the prayer for anticipatory
bail of the appellant has been rejected.

3. As per the prosecution story, the informant alleged
that near the Karpi Janta High School, the accused persons
including the appellant herein, stopped the vehicle and abused him



by taking caste name. They also assaulted by iron rod which followed the FIR.

4. Learned counsel for appellant submits that there is case and counter-case, the injury has been found to be simple in nature and so far as allegation of taking the caste name is concerned, there is nothing on record to show that what were the actual words that were used. Further, it is also not clear that it was made in a public view.

5. Learned counsel for respondent no. 2, on the other hand, submits that the parties belong to the same locality and that, owing to the intervention of respectable members of the community, the dispute has been amicably resolved between them.

6. Considering the submissions put forward by the parties as also that the appellant has no criminal antecedent, the impugned order dated 02.02.2026 stands set aside and the appeal is allowed.

7. 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 the learned Court of Exclusive Special Judge, SC/ST, Gaya Ji in connection with Mahkar P.S. Case No. 152 of 2025 subject to the



following conditions:

(i) one of the bailor should be the family member/relative of the appellant who shall provide official document to show his/her bona fide;

(ii) the appellant shall be appearing before the Police Station as and when required for cooperating in the investigation;

(iii) the appellant shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iv) the appellant shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the appellant shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

Adnan/-

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