IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2144 of 2026

CNR No. BRHC010564142026

Arising Out of PS. Case No.-303 Year-2024 Thana- VISHNUPAD District- Gaya

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Pappu Thakur @ Pappu Sharma Son of Bengali Sharma @ Bengali Thakur Resident of Village- Gopalganj, Manpur, P.O.- Buniyadganj, P.S.- Vishunpad Temple, District- Gaya- 823003 (Bihar).

... ... Appellant/s

Versus

1. The State of Bihar
2. Rohit Paswan @ Rohit Kumar Son of Dinesh Paswan Resident of Ram Sagar Talab, near Pipe Gali, P.S. and P.O.- Vishnupad Temple, District- Gaya- 823003 (Bihar).

... ... Respondent/s

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Appearance :
For the Appellant/s : Mr. Saket Anand, Advocate
For the Respondent/s : Mr. Sadanand Paswan, Spl. P.P.

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CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY

ORAL ORDER

5 29-10-2026 Heard learned counsel for the appellant through virtual mode and learned Special Public Prosecutor for the State.

2. The instant appeal has been filed by the appellant against the order dated 28.04.2026 passed by learned Court of Exclusive Special Judge, SC/ST, Gaya Ji whereby the prayer for bail of the appellant in connection with Vishnupad P.S. Case No. 303 of 2024 registered for the offence under Sections 126(2), 115(2), 118(2), 352 and 351(2) of the B.N.S. and Sections 3(1)(r) and 3(1)(s) of SC/ST (POA) Act was rejected.

3. The case of the respondent, in short, is that the appellant and respondent both were on a tea-shop. It is alleged

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that for taking early tea, there was dispute between the parties and appellant has thrown the hot tea from the cattle on the shoulder and chest of the respondent due to which he received burn injuries.

4. It is submitted by learned counsel for the appellant that appellant is innocent and committed no offence. He has been falsely implicated in this case. Learned counsel for the appellant has further submitted that from perusal of the F.I.R. it is clear that the occurrence has taken place on spur of moment and that too for a trivial issue of having tea prior to the respondent. There was no intention on the part of the appellant to cause any serious injury to the respondent. The appellant is having no criminal antecedent and he is languishing in judicial custody since 28.03.2026.

5. Learned Spl. P.P. for the State has vehemently opposed the appeal for bail and has submitted that from perusal of the injury report it will transpire that the respondent has received deep thermal burn having right neck, shoulder and chest about 25% and doctor has opined that the nature of injury is dangerous to life caused by hard hot water.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case, this Court is

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inclined to allow this appeal. Accordingly, the appeal is allowed and the impugned order dated 28.04.2026 passed in connection with Vishnupad P.S. Case No. 303 of 2024 is hereby set aside.

7. The appellant is directed to be enlarged on bail in connection with Vishnupad P.S. Case No. 303 of 2024 on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Court of Exclusive Special Judge, SC/ST, Gaya Ji.

(Ashok Kumar Pandey, J)

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