

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2566 of 2025**

Arising Out of PS. Case No.-205 Year-2025 Thana- KONCH District- Gaya

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Ganesh Mistri @ Ganesh Sharma S/o Kapil Mistri @ Kapil Dev Mistri R/o
vill - Mithapur, P.S.- Konch, Distt.- Gaya

... .. Appellant/s

Versus

1. The State of Bihar
2. Vivek Kumar S/o Judagir Paswan R/o vill - Mithapur, P.S. - Konch, Distt.-
Gaya

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Aryan Singh, Advocate
For the Respondent/s	:	Mr. Sadanand Paswan, APP
For the Informant	:	Mr. Yashpal Yadav, Advocate

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**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

5 19-02-2026 Heard learned counsel for the appellant, learned

Special Public Prosecutor for the State and learned counsel for

the informant. Perused the case diary.

2. The instant appeal has been filed by the appellant
against the order dated 05.06.2025 passed by learned Exclusive
Special Judge, SC/ST Act, Gaya whereby the prayer for
anticipatory bail of the appellant in connection with Konch P.S.
Case No. 205 of 2025 under Sections 126(2), 115(2), 103(1),
352, 3(5) of the Bharatiya Nyaya Sanhita, 2023 and Sections
3(1)(r), 3(1)(s), 3(1)(t), 3(2)(v) of SC/ST Act was rejected.

3. The prosecution case, in short, is that all the accused
persons including the appellant abused the informant and his



brother by caste name and also assaulted the informant's uncle, as a result of which he died during the course of treatment.

4. Learned counsel for the appellant submits that the appellant has falsely been implicated in the present case. Learned counsel for the appellant further submitted that the appellant has not taken the caste name of the informant in public view, hence, no offence under the provisions of SC/ST Act is made out against him. The appellant has no intention to disgrace the image of the informant in public view. The appellant has no criminal antecedent.

5. Learned Special P.P. for the State and the informant have vehemently opposed the prayer for grant of bail to the appellant, stating that appellant is named in the FIR and is one of the assailants who assaulted the deceased due to which he died. Learned counsel for the informant and learned APP for the State, therefore, jointly prayed that the appellant does not deserve the privilege of anticipatory bail.

6. Considering the aforesaid facts and circumstances of the case as also nature and gravity of offence, this Court is not inclined to grant bail to the appellant.

7. Accordingly, the present appeal is dismissed.

8. However, if the appellant surrenders before the



learned court below within a period of six weeks from today and
prays for regular bail, the same shall be disposed of on its own
merit without being prejudiced by this order.

(Rudra Prakash Mishra, J)

Alok Verma/-

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