

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3415 of 2025**

Arising Out of PS. Case No.-36 Year-2025 Thana- THAWE District- Gopalganj

Sandeep Kumar S/o- Vijay Sah @ Vinay Kumar @ Vinay Kumar Sah Village-
Kabilashpur, V.S. Mill, PS- Thawe, District Gopalganj

... .. Appellant/s

Versus

1. The State of Bihar.
2. Dilip Kumar Pasi S/o- Sudama Pasi Village- Kabilashpur Ps- Thawe Dist-
Gopalganj

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Indrajeet Bhushan, Advocate
For the Respondent/s	:	Mr. Sadanand Paswan, Spl.P.P.
For the Informant	:	Dr. Anand Kumar, Advocate
		Ms. Anuradha Mishra, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

4 25-02-2026 Heard the parties.

2. This appeal has been filed for setting aside the order dated 17.07.2025 passed by learned Additional Sessions Judge-XI-cum-Spl. Judge SC/ST Act, Gopalganj in connection with Thawe P.S. Case No. 36 of 2025 registered for the offence punishable under sections 329(3), 126(2), 115(2), 118(1), 109, 352, 351(2) and 3(5) of the BNS and Sections 3(1)(r), 3(1)(s) and 3(2)(va) of the SC/ST Act whereby the prayer for anticipatory bail of the appellant has been rejected.

3. As per the prosecution story, the informant alleged that on the fateful day, he was at his home when the accused persons came armed variously and after abuse and taking caste



name, Vishal Kumar, Manish Kumar and Sandeep Kumar (appellant herein) gave rod, farsa and knife blow causing injury as a result whereof, he was shifted to Sadar Hospital, Gopalganj which followed the FIR.

4. Learned counsel for the appellant submits that the injury has been found to be simple in nature, the appellant, in any case, only been roped in because he is a student having passed his intermediate exam in the year 2024 and pursuing his graduation from Gorakhpur University, Gorakhpur and the last submission is that he do not have any criminal antecedent.

5. Leaned APP as also learned counsel representing the respondent no. 2 oppose the prayer submitting that allegation of giving knife blow is on the appellant.

6. Considering the submission of the parties as also that the appellant is a student, only twenty one years of age, have no criminal antecedent, though the allegation has been made, injury has been found to be simple in nature and there is nothing on record to show that the caste name was taken in public view, in that background, this Court is inclined to extend him the privilege of anticipatory bail.

7. The impugned order dated 17.07.2025 passed by learned Additional Sessions Judge-XI-cum-Spl. Judge SC/ST



Act, Gopalganj in connection with Thawe P.S. Case No. 36 of 2025 stands set aside and the appeal is allowed.

8. Let the appellants, 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) each with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-XI-cum-Spl. Judge SC/ST Act, Gopalganj in connection with Thawe P.S. Case No. 36 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 appear before the concerned police station every month for six months to mark his



attendance and after the end of the period, the certificate shall be submitted before the Trial Court failing which steps shall be taken for the cancellation of the bail bonds;

(v) 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;

(vi) 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/-

U		T	
---	--	---	--

