

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3469 of 2025

Arising Out of PS. Case No.-46 Year-2025 Thana- Panchanpur District- Gaya

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1. Avinash Kumar @ Shashi Kumar S/o Late Rajendra Yadav R/o Vill- Tetarapur, P.S.- Panchanpur, District- Gaya
 2. Rakesh Kumar @ Rakesh Yadav S/o Bigan Yadav R/o Vill- Khanetu, P.S.- Panchanpur, Distt- Gaya

... .. Appellant/s

Versus

1. The State of Bihar
2. Vikram Kumar S/o Munna Paswan R/o Vill- Mahmadpur, P.S.- Panchanpur, Distt- Gaya

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Mrigendra Kumar, Advocate
For the State	:	Mr. Binay Krishna, Spl. PP
For the Resp. No.2	:	None

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

4 23-02-2026 Heard Mr. Mrigendra Kumar, learned counsel for the appellant and Mr. Binay Krishna, learned Spl. PP representing the State.

2. This appeal has been filed for setting aside the order dated 01.08.2025 passed by the learned Exclusive Special Judge, SC/ST, Gaya in connection with Panchanpur P.S. Case No. 46 of 2025 registered for the offence punishable under sections 126(2), 115(2), 76, 109, 303(2), 324(4), 352, 351(2) and 3(5) of the Bharatiya Nyaya Sanhita and section 3(i)(r)(s)(w) of the SC/ST Act whereby the prayer for



anticipatory bail of the appellants have been rejected.

3. As per the prosecution story, the informant alleged that on 28.02.2025, the car of co-accused dashed with the car of Ritik Kumar and on 01.03.2025, the accused came armed variously, after abuse the assault took place. Allegation is that the appellant no.1 gave Lathi blow to Vikram Kumar causing fracture in the left hand while appellant no.2 Rakesh Yadav gave Lathi blow on the left hand again causing fracture. Rajiv Kumar gave iron rod blow on the head while Rakesh Yadav also took gold chain of Ritik and his mobile was thrown. This followed the F.I.R..

4. In this case while issuing notice to the other side, injury report was also called for by the coordinate Bench.

5. Learned counsel for the appellants submit that there is case and counter case, both sides have made allegation/counter allegation. He further submits that to his knowledge, the exaggerated F.I.R. is there, both the injuries of Vikram Kumar and Ritik Kumar have been found to be not only simple in nature but in case of Ritik Kumar, it has been recorded that no obvious external injury seen. There is no caste abuse in the public view and if granted relief, they shall be diligently appearing in trial.



6. Though in this case post notice, the name of Mr. Sanjay Kumar appears for the informant but there is no appearance.

7. Learned Spl. PP opposes the prayer submits that beside abusing by caste name, allegation of assault is against both the appellants.

8. Considering the submissions of the parties as also that the injury in the case of Vikram has been found to be simple in nature while in case of Ritik, no sign of injury found, there is case and counter case, it has been submitted that the cognizance has not been taken in the matter, in that background, this Court is inclined to extend them the privilege of anticipatory bail.

9. The impugned order dated 01.08.2025 passed by the learned Exclusive Special Judge, SC/ST, Gaya in connection with Panchanpur P.S. Case No. 46 of 2025 stands set aside and the appeal is allowed.

10. 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 Exclusive Special Judge, SC/ST, Gaya in connection with Panchanpur P.S. Case No. 46 of 2025.

(i) one of the bailor should be the family member/relative of the appellants who shall provide official document (Aadhar Card/Voter Id/Driving License/Pan Card) to show his/her bona fide;

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

(iii) the appellants 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/her bail bond by the Trial Court itself;

(iv) the appellants shall appear before the concerned police station every month for next six months to mark his attendance and at the end of the period a certificate be submitted before the Trial Court failing which the State shall be at liberty to take steps for cancellation of bail bonds;

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

(Rajiv Roy, J)

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