

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3875 of 2025

Arising Out of PS. Case No.-638 Year-2025 Thana- GAYA MUFASIL District- Gaya

Saurabh Kumar @ Saurabh Raj S/O Shankar Yadav @ Shiv Shankar Kumar
R/O Village- Majhauri, P.s.- Tankuppa, District- Gaya

... .. Appellant/s

Versus

1. The State of Bihar
2. Vavi Kumar @ Vanvi Kumar S/O Teju Chaudhary R/O Village- Bhusanda,
P.s.- Muafasil, District- Gaya

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Vishwa Ranjan Choudhary
For the State	:	Mr.Binay Krishna- Spl. P.P.
For the Informant	:	Mr.Ujjawal Kumar Singh
		Mr.Arvind Kumar Sinha
		Mr.Nirala Kumar Singh

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

5 17-03-2026 1. Heard learned counsel for the appellant, the learned
Special Public Prosecutor for the State and the learned counsel
appearing on behalf of the informant.

2. The appellant has challenged the order dated
25.08.2025 passed by the learned Exclusive Special Judge,
SC/ST, Gayaji in connection with ABP No.223 of 2025, arising
out of Mufassil P. S. Case No. 638 of 2025 instituted for the
offences under Sections 126(2), 115(2), 118(1), 109, 303(2) and
3(5) of the B.N.S., Section 27 of the Arms Act and Section 3(1)
(r)(s) of the Scheduled Castes & Scheduled Tribes (Prevention
of Atrocities) Act, whereby his prayer for grant of anticipatory



bail has been rejected.

3. The learned counsel appearing on behalf of the appellant submits that appellant is a person with clean antecedent and the informant alleges that he along with his friends had gone to buy chicken on 29.06.2025, when a four wheeler dashed his motorcycle, thereafter Saurabh and Bhola along with 10 unknown accused assaulted him with knife causing injury near his left eye and assaulted Chhotu by rod causing injury on leg and thereafter, fired in the air and snatched Rs.15,000/- from Raushan.

4. The learned counsel for the appellant submits that appellant has been falsely implicated in the instant case by the informant. It is next submitted that from perusal of the allegation as alleged in the FIR, it would manifest that though it is alleged that appellant along with Bhola and 10 unknown accused assaulted the informant by knife causing injury, but then, the allegation of assault is not specific rather is general and omnibus in nature. It is next submitted that there is no allegation of abuse. It is further submitted that on account of accident, an altercation took place on account of which the occurrence is alleged to have taken place and both sides assaulted each other.

5. The learned Special P. P. as well as the learned



counsel appearing on behalf of the informant opposes the anticipatory bail application. The learned counsel appearing on behalf of the informant submits that though allegation of assault is not specific, but then, it is alleged that the accused persons including the appellant assaulted the informant by knife causing injury near his left eye. It is also submitted that eye is a vital part of the body and knife is a dangerous weapon. It is further submitted that allegation of assault may not be specific, but then, presence of the accused persons including the unknown accused at the place of occurrence emboldened the appellant and Bhola to commit the occurrence. It is also submitted that it is not denied in the appeal that injury was not caused by knife on which the learned counsel appearing on behalf of the appellant submits that the injury report be called for.

6. The Court is not persuaded by the submission made by the learned counsel appearing on behalf of the appellant seeking calling for the injury report for the reason that there is specific allegation in the FIR of assaulting the informant by knife and the same is not denied in the appeal.

7. After hearing the learned counsel for the parties, the Court is not inclined to extend the privilege of anticipatory bail to the appellant.



8. The prayer of the appellant for anticipatory bail
stands rejected.

(Satyavrat Verma, J)

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