

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4817 of 2025

Arising Out of PS. Case No.-52 Year-2024 Thana- Sarbahada District- Gaya

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Gautam Pandit Prajapat @ Gautam Kumar@ Gautam Pandit @ Gautam Raj
S/O Late Ramjee Prajapat Resident of Village - Sarbahda, P.S- Sarbahda,
Dist.- Gaya Ji (Bihar)

... .. Appellant/s

Versus

1. The State of Bihar
2. Naresh Chaudhary S/O Late Dasai Chaudhary Resident of Village - Sarbahda, P.S- Sarbahda, Dist.- Gaya Ji (Bihar)

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Arvind Kumar, Advocate
For the Respondent/s : Mrs. Usha Kumari 1, Spl. PP

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

4 16-04-2026 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

2. The present Cr. Appeal (SJ) Application has been filed seeking grant of bail and setting aside the order dated 23.09.2025 passed by the Exclusive Special Judge, SC/ST, Gaya in A.B.P. No. 250 of 2025 arising out of Sarbahda P.S. Case No. 52 of 2024, for the offence punishable under sections 316(2), 318(4), 126(2), 115(2), 329(4), 74, 352, 351(2) & 3(5) of the Bharatiya Nyaya Sanhita, 2023 and sections 3(1)(r)(s) of the Scheduled Castes & the Scheduled Tribes (Prevention of Atrocities) Act, 1989.



3. As per the prosecution, FIR has been lodged against three named accused persons including the present appellant. It has been alleged in the FIR that when the informant went to the house of the accused persons to inform them that the land in question is in the name of the Bihar State, and does not want to purchase the said land and requested for return of his money, then the accused persons started abusing him using caste-indicative words. Thereafter, all the accused persons came at the house of the informant and started assaulting the informant and his wife and also threatened for dire consequences.

4. Learned counsel for the appellant submits that the appellant is innocent and has committed no offence. Counsel submits that the appellant has been falsely implicated in this case and his name has figured in this case only due to dirty village politics. He submits that there is no specific allegation against the appellant. Counsel further submits that the appellant has clean antecedent.

5. Learned Special Public Prosecutor for the State opposes the prayer for bail of the appellant.

6. In the present facts and circumstances of this case, this Court is not inclined to grant bail to the appellant. Accordingly, the prayer for anticipatory bail of the appellant



stands rejected.

7. However, if appellant surrenders before the concerned Trial Court within a period of four weeks from today then in that case, the Trial Court is directed to pass order on his surrender-cum-bail application on the same day, without being prejudice that the anticipatory bail of the appellant has been rejected by this Court and the Trial Court shall pass order on the merit of this case.

(Dr. Anshuman, J)

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