

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5107 of 2025**

Arising Out of PS. Case No.-433 Year-2025 Thana- GAYA KOTWALI District- Gaya

Raj Kumar Prasad, Son of Bhola Mahto, R/o Mohalla - Nagmatiya Road, P.S.
- Civil Line, Dist. - Gaya.

... .. Appellant/s

Versus

1. The State of Bihar
2. Ganesh Choudhari, S/o Late Shankar Choudhary, R/o Village - Kharkhur,
Gumti No. 64, P.S.- Delha, Dist. - Gaya ji

... .. Respondent/s

Appearance :

For the Appellant/s	:	Ms. Vijeta Kumari, Advocate
For the State	:	Ms. Usha Kumari 1, Spl. P.P.
For the respondent	:	Mr. Brijmohan Das, Advocate

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

3 02-04-2026 Heard learned counsel for the appellant, learned
counsel for the respondent and learned Special Public
Prosecutor for the State.

2. The instant appeal has been filed by the appellant
against the order dated 29.10.2025 passed by learned Exclusive
Special Judge, SC/ST, Gaya Ji whereby the prayer for bail of the
appellant in connection with Kotwali P.S. Case No. 433 of 2025
under Sections 126(2), 115(2), 109 and 352 of B.N.S. and
Sections 3(2)(v), 3(1)(r) and 3(1)(s) of SC/ST (POA) Act was
rejected.

3. The case of the respondent, in short, is that while
the respondent was going to railway office on the occasion of



Vishwakarma Puja, meanwhile the appellant who is a contractor of railway Gumti is engaged in illegal collection from the vendors arrived inebriated condition and started assaulting and abusing by caste name. It is specifically alleged that appellant assaulted the respondent with *khanti* on left hand and head and also assaulted the brother of the victim with knife causing serious neck injury. It is further alleged that the appellant also assaulted the brother-in-law of the victim with *danda*. It is further alleged that altogether there were 10-20 unknown persons with the appellant.

4. It is submitted by learned counsel for the appellant that appellant is innocent and he has been falsely implicated in this case. The main thrust of allegation is against the appellant. It is alleged that once he has assaulted with *khanti*. After that, he has assaulted with knife and after that he has assaulted with *danda*. Learned counsel for the appellant has submitted that it is highly improbable that a person will be having three weapons and will use the same one by one. It has further been submitted that from perusal of the injury report of all the three injured persons, it is clear that they have received simple injury caused by hard and blunt object. It has further been submitted that the appellant has been framed in this case only with a view to



malice him. As far as the allegation against the appellant regarding abusing with caste name is concerned, it was not in public view. The appellant is languishing in judicial custody since 17.09.2025.

5. The appeal for bail is vehemently opposed by learned Spl. P.P. for the State and learned counsel for the respondent. Learned counsel for the respondent has stated that the appellant has assaulted on the head of the respondent which is vital part of the body.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case, this Court is inclined to allow this appeal. Accordingly, the appeal is allowed and the impugned order dated 29.10.2025 passed in connection with Kotwali P.S. Case No. 433 of 2025 is hereby set aside.

7. The appellant is directed to be enlarged on bail in connection with Kotwali P.S. Case No. 433 of 2025 on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned learned Exclusive Special Judge, SC/ST, Gaya Ji.

(Ashok Kumar Pandey, J)

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