

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.169 of 2025

Arising Out of PS. Case No.-218 Year-2024 Thana- MANJHAGARH District- Gopalganj

Madho Sharma S/o- Nskchhed Sharma Village- Bharkueya PS-Manjhagarh,
Dist- Gopalganj

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Bipin Sah S/o- Late Nandlal Sah Village- Bharkueya PS-Manjhagarh, Dist-
Gopalganj

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Ankesh Kumar
For the Respondent/s	:	Mr.Sadanand Paswan
For the Resp No. 2	:	Mr. Shivalika Sinha

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

5 26-06-2025 Heard learned counsel for the appellant and learned
counsel for the respondent no. 2 as well as learned Special
Public Prosecutor for the State.

2. This is an appeal under Section 14(A)(2) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act, 1989 against the rejection of prayer for bail vide
order dated 30.08.2024 passed by the learned Addl. Sessions
Judge XI cum Special Judge, SC/ST (POA) Act, Gopalganj
(Bihar) in connection with Manjhagarh P.S. Case No. 218 of
2024 dated 01.08.2024 registered for the offence/s punishable
u/ss 126, 115(2), 118(1), 109(1), 352, 351(2) read with section
3(5) of the Indian Penal Code and 3(1)(r)(s) / 3(2) (va) of the



SC/ST (POA) Act.

3. As per the prosecution case, the appellant being in drunken condition left his dog to bite the informant's grandson. When the informant went to make complain, the appellant abused him by calling his caste name and the co-accused Bullet Sharma brought sword from his house and the petitioner took the sword from him and assaulted the informant with the sword but anyhow it missed and hit his palm causing injury and the co-accused also assaulted his grandson with legs and fists.

4. Learned counsel for the appellant has submitted that the appellant has falsely been implicated in this case due to ulterior motive. Learned counsel has further submitted that the caste name was not disclosed by anyone at the time of the alleged occurrence. As per FIR, no member of public was present at the relevant point of time of the alleged incident hence no case is made out under SC/ST Act. The injured sustained incised wound on the left hand palm and the opinion of the injury is kept reserved. The appellant has no criminal antecedent as stated in para 3 of the bail petition. The appellant is in custody since 02.08.2024.

5. Learned counsel for the respondent no. 2 as well as learned Spl. P.P. for the State has vehemently opposed the bail



petition of the appellant.

6. In view of the aforesaid facts and circumstances of the case as well as finding substance in the contention of the learned counsel for the appellant, the impugned order dated 30.08.2024 passed by the learned Addl. Sessions Judge XI cum Special Judge, SC/ST (POA) Act, Gopalganj (Bihar) in connection with Manjhagarh P.S. Case No. 218 of 2024, is set aside against the appellant. The criminal appeal is allowed.

7. Accordingly, the above named appellant, is directed to be enlarged on bail on furnishing bail-bond of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of the learned Addl. Sessions Judge XI cum Special Judge, SC/ST (POA) Act, Gopalganj (Bihar) in connection with Manjhagarh P.S. Case No. 218 of 2024.

(Chandra Prakash Singh, J)

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