

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.320 of 2025**

Arising Out of PS. Case No.-170 Year-2023 Thana- DEEPNAGAR District- Nalanda

Karu Mahto @ Ramsharan Mahto @ Ramsharan Prasad S/O Saryug Mahto
R/O Vill.- Chakdulla, P.S.- Nalanda, Dist.- Nalanda.

... .. Appellant/s

Versus

1. The State of Bihar
2. Shishupal Kumar S/O Anil Paswan R/O Vill.- Manichak, P.s.- Deepnagar,
Dist.- Nalanda

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Bijendra Kumar, Advocate

For the Respondent/s : Mr. Syed Ashfaque Ahmad, Spl. Public Prosecutor

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

5 05-08-2025 Despite valid service of notice, none appears on
behalf of the respondent no. 2.

2. Heard learned counsel for the appellant and learned
Spl. Public Prosecutor for the State.

3. Earlier, prayer for grant of anticipatory bail of the
appellant was stood dismissed *vide* order dated 19.09.2024
passed in Cr. Appeal (SJ) No. 5380 of 2023.

4. The present appeal has been filed for setting aside
the order dated 18.12.2024 passed by learned Additional District
Judge-VI-cum- Special Court, SC/ST Act, Nalanda, Bihar Sharif
in connection with Deepnagar P.S. Case No. 170 of 2023 for the
offences under Sections 147, 148, 149, 120B, 342, 302 of the



Indian Penal Code and Sections 25(1- B)A, 26, 35, 27 of the Arms Act and Sections 3(1)(r)(s), 3(2)(v) of the SC/ST (POA) Act whereby and whereunder the prayer of the appellant for regular bail has been rejected.

5. As per the prosecution case, on the alleged date and time of occurrence, while the informant was returning from market on his bicycle, he saw that his uncle was going towards Deepnagar market on his motorcycle and all the F.I.R. named accused persons including this appellant and 3-4 unknown persons were following him on their motorcycles and soon thereafter, the informant heard some sound of firing and when he went near the spot, he saw his uncle was lying in pool of blood and when he was taken to hospital, the doctor declared informant's uncle dead.

6. Learned counsel for the appellant submits that from perusal of F.I.R., it is manifest that informant is not eye-witness to the alleged occurrence and only suspicion has been raised against appellant and others, as there was money dispute between the deceased and this appellant. It is not the case of informant that any member of public was present at the time of alleged occurrence and as such, no case under SC/ST Act is made out against appellant. In this case, charge has already been



framed. Similarly situated co-accused persons have already been granted bail by this Court as well as coordinate Bench of this Court *vide* Annexure P/2 & P/3 to the appeal. The appellant is in custody since 13.11.2024, having no criminal antecedent.

7. Learned Spl. Public Prosecutor for the State vehemently opposed the appeal.

8. However, considering the nature of accusation as well as period of custody and clean antecedent, the impugned order dated 18.12.2024 is, hereby, set aside and this criminal appeal is allowed.

9. Let the appellant, as named above, be released on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional District Judge-VI-cum- Special Court, SC/ST Act, Nalanda, Bihar Sharif in connection with Deepnagar P.S. Case No. 170 of 2023.

(Prabhat Kumar Singh, J)

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