

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.411 of 2025**

Arising Out of PS. Case No.-184 Year-2023 Thana- SARMERA District- Nalanda

Sharwan Mahto @ Mukhi Mahto, aged about 40 years, Male, S/o Late Bulak Mahto, R/o vill - Pendi, P.S.- Sarmera, Distt.- Nalanda

... .. Appellant

Versus

- 1. The State of Bihar
- 2. Mukesh Kumar, Male, S/o Chandramauli Ram, R/o vill - Pendi, P.S.- Sarmera, Distt.- Nalanda

... .. Respondents

Appearance :
For the Appellant : Mr. Arvind Kumar, Advocate
For the Respondent No. 2: None.
For the State : Mr. Binay Krishna, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

5 21-08-2025 Heard learned counsel for the appellant and learned Spl. P.P. for the State. None appears on behalf of the respondent no. 2 despite notice has been validly served upon him.

2. This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter in short referred to as the ‘SC/ST Act’), against the refusal of prayer of bail of the appellant vide order dated 04.12.2024, passed by the learned Additional Sessions Judge-VI-cum-Special Judge, SC/ST Act,



Nalanda at Bihar Sharif in connection with Sarmera P.S. Case No. 184 of 2023 dated 03.09.2023 registered for the offences punishable under Sections 341, 323, 324, 307, 504 read with Section 34 of the I.P.C. and Sections 3 (1)(r)(s), 3(2) (Va) of the SC/St (POA) Amendment Act.

3. The prosecution case, in brief, is that on 03.09.2023 at 5.00 A.M. the informant alongwith Vikash Kumar was going for call nature from his house on his motorcycle towards Isua Kol but due to mud on the way, he proceeded his motorcycle near the house of Masudan Mahto on which Mahesh Mahto @ Matuk Mahto and Masudan Mahto abused and stopped them and told them to go on the right way. It is further alleged that the informant protested and on hulla, the aunt, sister-in-law (Bhabhi) and other persons came there and from other side the co-accused Sharwan Mahto @ Mukhi Mahto started abusing and assaulting. Mahesh Mahto @ Matuk Mahto and Masudan Mahto fired on the informant. The informant was brought to Sarmera Hospital from where he was referred to Sadar Hospital, Bihar Shariff for his better treatment.

4. It is submitted by learned counsel for the appellant that the appellant is quite innocent and has falsely been implicated in the present case due to ulterior motive. It is further



submitted that there is general and omnibus allegation against the appellant. There is no specific allegation of firing on the informant against the appellant rather the same is against the co-accused Mahesh Mahto @ Matuk Mahto and Masudan Mahto. It is further submitted that no member of public was present at the relevant point of time of the alleged occurrence. Hence, no offence under SC/ST Act is made out against the appellant. The appellant has one criminal antecedent in which he is on bail as stated in paragraph no. 3 of the memo of appeal. The appellant is in custody since 03.09.2024 in this case.

5. Learned Spl. P.P. for the State has opposed the prayer for bail of the appellant.

6. In view of the aforesaid facts and circumstances of the case, the impugned order dated 04.12.2024, passed by the learned Additional Sessions Judge-VI-cum-Special Judge, SC/ST Act, Nalanda at Bihar Sharif in connection with Sarmera P.S. Case No. 184 of 2023, is set aside against the appellant. The criminal appeal is allowed.

7. Accordingly, the above named appellant, 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 Additional Sessions Judge-VI-



cum-Special Judge, SC/ST Act, Nalanda at Bihar Sharif in
connection with Sarmera P.S. Case No. 184 of 2023.

(Chandra Prakash Singh, J)

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