

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.368 of 2025

Arising Out of PS. Case No.-301 Year-2023 Thana- NOORSARAI District- Nalanda

Daroga Mahto @ Manoj Kumar S/o Sri Suresh Mahto Resident of Village-
Kundi, PS- Noorsarai, Distt.- Nalanda

... .. Appellant/s

Versus

1. The State of Bihar
2. Rohit Kumar S/o Kishore Choudhary R/o Vill - Prahlad Nagar, P.S. -
Noorsarai, Distt.- Nalanda

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Bijay Kumar, Adv.
For the Respondent/s	:	Mr. Usha Kumari 1, SPP
For the Resp. No.2	:	Mr. Ashutosh Singh, Adv.

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

3 19-03-2025 Heard learned counsel for the appellant, learned
Special Public Prosecutor for the State, learned counsel for the
informant and perused the case diary.

This is the second attempt of the appellant for grant of
bail. Earlier the appellant has moved before this Court with a
prayer for bail which was rejected vide order dated 20.09.2024
passed in Cr. Appeal (SJ) No. 3095 of 2024.

2. The instant appeal has been filed by the appellant
against the order dated 03.01.2025 passed by the Additional
Sessions Judge-VI cum Special Judge SC/ST Act, Nalanda at
Biharsharif whereby the prayer for bail of the appellant in
connection with Noorsarai P.S. Case No. 301 of 2023 under



Sections 341, 323, 307, 504, 506, 302/34 of the Indian Penal Code and Sections 3(i)(r), 3(2)(v)(a) of SC/ST Act was rejected.

3. As per prosecution case, all the accused persons including this appellant assaulted the father of the informant by means of *khanti* and *lathi*. It is specifically alleged that the appellant Daroga Mahto gave *khanti* blow on the head of the informant due to which he sustained head injuries and, later on, he succumbed to the injuries.

4. Learned counsel for the appellant submits that the appellant has falsely been implicated in the present case due to village politics and previous enmity. Learned counsel further submitted that the allegation made against the appellant is general and omnibus in nature. Learned counsel further submitted that there is a delay of four days in lodging the FIR without plausible explanation, which in itself, raises doubt over the prosecution story. There is no eye-witness to the alleged occurrence. Even the Informant is not the eye-witness to the alleged occurrence. Learned counsel for the appellant further submits that the appellant has not taken the caste name of the informant in public view, hence, no offence under the provisions of SC/ST Act is made out against him. Not a single independent



person has supported the prosecution case. The postmortem report also does not support the prosecution case. The appellant is in custody since 12.11.2024 and has no criminal antecedent. Charge-sheet has been submitted in this case. Learned counsel for the appellant further submits that the co-accused Suresh Mahto @ Suresh Prasad has already been granted bail by this Court vide order dated 04.04.2024 passed in Cr. Appeal (SJ) No. 246 of 2024.

5. Learned Special P.P. for the State and the informant have vehemently opposed the prayer for grant of bail to the appellant, pointing out that there is specific and direct allegation of assault against the appellant. Learned counsel for the State further states that the prayer for bail of the appellant has already rejected by this Court vide order dated 20.09.2024 passed in Cr. Appeal (SJ) No. 3095 of 2024 on the ground of there being specific and direct allegation of assault against the appellant.

6. This Court has already rejected the prayer for bail of the appellant on merit. Again, considering the nature and gravity of the offence alleged as also there being direct allegation of assault against the appellant, this Court is not inclined to grant bail to the appellant.

7. Accordingly, the appeal stands dismissed with a



direction to the learned court below to expedite the trial and
conclude the same expeditiously.

(Rudra Prakash Mishra, J)

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