

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.397 of 2025

Arising Out of PS. Case No.-122 Year-2024 Thana- SARMERA District- Nalanda

Ajay Kumar @ Ajay Mahto, (male), aged about 47 years, S/O Ramvaran Mahto, Resident of village- Pendi Chero, P.S- Sarmera, Dist- Nalanda

... .. Appellant/s

Versus

1. The State of Bihar
2. Pankaj Kumar, male, S/O Bhagwan Ram, Resident of village- Pendi, P.S- Sarmera, Dist- Nalanda

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Y.C.Verma, Senior Advocate Mr. Adarsh Singh, Advocate Ms. Upasna Vibha Toppo, Advocate Ms. Shalu Sinha, Advocate
For the Respondent/s	:	Ms. Usha Kumari 1, Special P.P.

CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA

ORAL ORDER

4 12-11-2025 Heard learned counsel for the appellant and learned counsel for the State.

2. The present appeal has been filed under Section 14(A)(2) of the SC/ST (Prevention of Atrocities) Act against the impugned order dated 24.10.2024 passed by the Court of Additional District & Sessions Judge-VI-cum-Court of Special Judge (SC/ST), Bihar Sharif, Nalanda, Bihar in ABP No.1574 of 2024 arising out of Sarmera P.S. Case No.122 of 2024 dated 05.06.2024 instituted for the offence punishable under Sections 341, 323, 307, 379 and 504/34 of the Indian Penal Code and Section 27 of the Arms Act and Sections 3(i)(r), 3(1)(s), 3(2) of



the SC/ST Act.

3. As per allegation in the FIR, the informant was going to his fields with Gudia Devi to do the agriculture work but all the accused persons surrounded him from all sides, armed with sharp weapons and iron rods and began to thrash him when he objected, they abused and also snatched Rs. 1200/- and assaulted to the wife of the informant by all the accused persons.

4. Learned counsel for the appellant submits that the appellant has falsely been implicated in this case. He next submits that the alleged occurrence took place on 05.09.2023 and the informant filed complaint case no. 94 (c) of 2023 dated 07.11.2023 after much delay of 63 days without explaining the reason of delay and it creates serious doubt over the truthfulness of the prosecution case as stated in para-7 of the petition. He next submits that the appellant has got clean antecedent as stated in para-3 of the petition.

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

6. In view of the aforesaid facts and circumstances of the case, let the above named appellant be released on anticipatory bail, in the event of his arrest or surrender before



the Court below within a period of six weeks from today, 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 & Sessions Judge-VI-cum-Court of Special Judge (SC/ST), Bihar Sharif, Nalanda, Bihar in connection with Sarmera P.S. Case No. 122 of 2024, subject to the condition as laid down under Section 482(2) of the B.N.S.

7. Accordingly, the impugned order dated 24.10.2024 passed by learned Additional District & Sessions Judge-VI-cum-Court of Special Judge(SC/ST) Bihar Sharif, Nalanda, Bihar in ABA No.1574 of 2024 is set aside.

8. The appeal stands allowed.

(Ramesh Chand Malviya, J)

Brajesh Kumar/-

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