

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.654 of 2025**

Arising Out of PS. Case No.-94 Year-2020 Thana- KHAJAULI District- Madhubani

Ram Pukar Mahto @ Pukar Mahto, aged about 45 years, Gender-Male, S/O Jageshwar Mahto, Resident of village - Chatra, P.S- Khajauli, District- Madhubani

... .. Appellant

Versus

1. The State of Bihar
2. Lalan Paswan, Male, S/O Late Jagdish Paswan, Resident of village - Chatra, P.S- Khajauli, District- Madhubani

... .. Respondents

**Appearance :**

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| For the Appellant | : | Mr. Ravindra Kumar Singh, Advocate |
| For the State     | : | Mr. Sadanand Paswan, Spl. P.P.     |

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

ORAL ORDER

6      15-05-2025                      Heard learned counsel for the appellant and 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 (hereinafter in short referred to as the SC/ST Act) against the refusal of prayer of bail vide order dated 31.01.2025, passed by the learned Ist District and Additional Sessions Judge-cum-Special Judge, Madhubani, in G.R. No. 93 of 2020 in connection with Khajauli P.S. Case No. 94 of 2020 dated 13.06.2020 registered for the offences punishable under Sections 147, 148, 149, 341, 323, 324, 307, 302, 452, 504, 506



of the I.P.C., Section 27 of the Arms Act and Sections 3(1)(r)(s) and 3 (2)(v) of the SC and ST Act, whereby the learned court below has been pleased to reject the prayer for bail of the appellant.

3. As per the prosecution case, on 12.06.2020 at about 7.30 P.M., due to some previous dispute on 18.05.2020 with Bihari Mahto, all the 12 F.I.R. named persons including the appellant armed with weapons i.e., Garasa, Tengari, Revolver, Chain of Bicycle, Iron rod and Lathi entered the house of the informant and the co-accused Ram Udagar Mahato abused in filthy language to the informant and the co-accused Bharoshi Mahto abused the informant by calling his caste name and fired on the informant but anyhow, he was saved and fled away from there. It is further alleged that in the meantime, the co-accused Ram Udagar Mahto having Farsa in his hand and Pukar Mahto (appellant) having Tengari in his hand assaulted on the head and body of the informant's father causing head injury and blood started oozing and all the accused persons brutally assaulted with Tengari, rod and iron chain and lathi, due to which, he sustained several injuries. When Laltun Paswan and Ranjit Kumar came to save the father of the informant, they were also assaulted by the accused persons, due to which, they sustained



head injuries. On hulla, nearby people came and saved the injured persons. It is further alleged that the father of the informant was brought to P.H.C., Khajauli for his treatment and from where he was referred to Sadar Hospital, Madhubani and from where he was referred to D.M.C.H., Darbhanga where the father of the informant died during the course of his treatment.

4. Learned counsel for the appellant has submitted that the appellant has falsely been implicated in this case due to ulterior motive. It is further submitted that there is general and omnibus allegation against the appellant and other co-accused persons. There is no specific allegation against the appellant. It is further submitted that the appellant is a government teacher in Middle School at Mahrajpur Makunma and at the time of alleged occurrence, he was on 24X7 days COVID-19, duty at Quarantine Centre from 10.06.2020 to 16.06.2020 and to that effect, Letter No. 461 was issued by the District Education Officer, Madhubani. It is further submitted that from the extract of attendance register of the Middle School, Mahrajpur of Khajauli Block, it is evident that on the alleged date and time of occurrence in the village, he was present in the school and was performing his school duty, annexed as Annexure-3 to the present memo of appeal. It is further submitted that during the



course of investigation, the I.O. and the S.D.P.O. have also found that the appellant was not present in the village on the alleged date and time of occurrence. It is further submitted that there are several case and counter case pending between the parties. No member of public was present at the relevant point of time of the alleged incident. Hence, no offence under SC/ST Act is made out against the appellant. It is further submitted that the other co-accused persons, namely, Bimal Bihari Mahto @ Vimal Mahto, Pramod Kumar Singh @ Pramod Singh @ Pramod Mahto and Rajan Paswan have already been granted anticipatory bail by another Co-ordinate Bench of this Court in Cr. Appeal (SJ) No. 3019 of 2022 vide order dated 12.04.2023, annexed as Annexure-11 to the present memo of appeal and the other co-accused person, namely, Bholta Ram @ Sunil Kumar Ram @ Sunil Ram has also been granted regular bail by the another Co-ordinate Bench of this Court in Cr. Appeal (SJ) No. 3745 of 2024 vide judgment dated 10.01.2025, annexed as Annexure-12 to the present memo of appeal. The appellant has one criminal antecedent as stated at para 3 of the memo of appeal. The appellant is in custody since 25.01.2025.

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



that the appellant is named in the F.I.R. Learned A.P.P. for the State has further submitted that the appellant and other co-accused persons assaulted the father of the informant with Farsa and Tengari, as a result of which, he died during the course of his treatment.

6. In view of the aforesaid facts and circumstances of the case as well as finding substance in the contention of the learned A.P.P. for the State, this Court is not inclined to set aside the order dated 31.01.2025 passed by learned Ist District and Additional Sessions Judge-cum-Special Judge, Madhubani, in G.R. No. 93 of 2020 in connection with Khajauli P.S. Case No. 94 of 2020 and the same is rejected against the appellant.

7. Accordingly, the present criminal appeal stands rejected.

**(Chandra Prakash Singh, J)**

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