

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.764 of 2025

Arising Out of PS. Case No.-402 Year-2024 Thana- ROH District- Nawada

Shankar Prasad @ Shankar Mahato S/O Kailash Mahto Vill.- Jagir, P.O.-
Marui, P.S.- Roh, District - Nawada

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Bebi Devi D/O Buddhadev Chaudhary Vill.- Jagir, P.O.- Marui, P.S.- Roh,
District - Nawada

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Ranjan Kumar

For the Respondent/s : Mr.Binay Krishna

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

ORAL ORDER

4 15-05-2025 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

2. This is an appeal under Section 14A(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 03.01.2025 passed by the learned Exclusive Special Judge, SC/ST Act, Nawada in connection with Roh P.S. Case No. 402/2024 dated 12.12.2024 registered for the offence/s punishable u/ss 126(2), 115(2), 76, 352 and 351(2) of the B.N.S., Sections 3(1)(r)(s) of the SC/ST Act and Sections 37(c) and 45 of the B.P.E Act.



3. As per the prosecution case, the appellant is alleged to have outraged the modesty of the informant. When the appellant was put on breath analyzer test, alcohol content of 27.5 mg/100ml was found. Further, the informant has alleged that the appellant has threatened her not to lodge a case, otherwise, he would kill her.

4. Learned counsel for the appellant has submitted that the appellant has falsely been implicated in this case due to ulterior motive. As per FIR, no member of public was present at the relevant point of time of the incident. The appellant and the informant are co-villagers. Learned counsel has further submitted that no particular caste name has been called by the appellant hence no case is made out under SC/ST Act. The appellant has one criminal antecedent as stated at para 3 of the bail petition. The appellant is in custody since 13.12.2024.

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

6. In view of the aforesaid facts and circumstances of the case as well as finding substance in the contention of the learned counsel for the appellant, the impugned order dated 03.01.2025 passed by the learned Exclusive Special Judge, SC/ST Act, Nawada in connection with Roh P.S. Case No. 402/2024 is set aside against the appellant. The criminal appeal



is allowed.

7. Accordingly, the above named appellant, is directed to 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 Exclusive Special Judge, SC/ST Act, Nawada in connection with Roh P.S. Case No. 402/2024.

(Chandra Prakash Singh, J)

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