

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.797 of 2025

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

Hareram Mahto @ Premraj Son of Nabalik Mahto R/O-Village-Pendi, P.S.-
Sarmera, Distt.-Nalanda

... .. Appellant/s

Versus

1. The State of Bihar
2. Pankaj Kumar Son of Bhagwan Ram Resident of Village- Pendi, P.s.-
Sarmera, Distt.- Nalanda

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Binay Kumar, Advocate
For the Respondent/s : Ms. Usha Kumari 1, SPP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

5 26-06-2025 Heard learned counsel for the appellant, learned Special

Public Prosecutor for the State and learned counsel for the

informant.

2. The instant appeal has been filed by the appellant
against the order dated 30-01-2025 passed by learned Additional
Sessions Judge-VI-cum-Special Judge, SC/ST (PoA) Act,
Nalanda, Bihar Sharif whereby the prayer for bail of the
appellant in connection with Sarmera PS Case No. 122 of 2024
under Sections 341, 323, 307, 379, 504/34 of the Indian Penal
Code (for short 'IPC'), Section 27 of the Arms Act and Sections
3(1)(r)(s) & 3(2)(va) of SC/ST Act was rejected. Earlier vide
order dated 17-12-2024, passed in Cr. Appeal (SJ) No. 5474 of



2024, anticipatory bail of the appellant was dismissed as withdrawn.

3. The prosecution alleges that on 05.09.2023, the informant Pankaj Kumar and his wife were attacked by the accused persons while going to their agricultural field. During the assault, caste-based abuses were hurled, the informant was shot in the hand, and Rs. 1200/- was looted. The informant's wife was also assaulted, and he was later treated at a hospital in Pawapuri.

4. Learned counsel for the appellant submits that the appellant is innocent and has falsely been implicated in the present case. Charge-sheet has been submitted in this case. Learned counsel for the appellant submits that there is no allegation of firing against the appellant and the same is against co-accused, namely, Ayodhya Mahto. Injury of the injured is found to be simple in nature. As per the prosecution case, the only allegation against the appellant is of abusing and allegedly assaulting informant's wife. 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. The appellant has no intention to disgrace the image of the informant in public



view. The appellant is in custody since 04-12-2024 and has one criminal antecedent.

5. Learned Special P.P. for the State and the informant have vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case, there being no allegation of firing against the appellant and the period of custody undergone by the petitioner, this Court is inclined to allow this appeal. Accordingly, the appeal is allowed and order dated 30-01-2025 passed by Additional Sessions Judge-VI-cum-Special Judge, SC/ST (PoA) Act, Nalanda, Bihar Sharif is hereby set aside.

7. Let the appellant be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Sarmera PS Case No. 122 of 2024.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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