

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1050 of 2025

Arising Out of PS. Case No.-439 Year-2019 Thana- JAMUI District- Jamui

Kara @ Karu @ Praveen Mahto S/O Bishun @ Vishundeo Mahto R/O
Village- Kakan, P.S- Jamui, Distt.- Jamui.

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Dashrath Rajak S/O Late Ganauri Rajak R/O Village- Kakan Pachpautiya
Tola, P.S and Distt.- Jamui.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. S.K. Lal, Sr. Adv. Mr.Mukul Jee, Adv. Mr. Ankit Kumar Jha, Adv.
For the Respondent/s	:	Mr. Pritish Kumar Lal, Advocate Mr. Sadanand Paswan, Adv.
For the State	:	Mr.Sadanand Paswan, APP

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

ORAL ORDER

4 04-07-2025 Heard learned counsel for the appellant, learned
counsel for the informant 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
27.02.2025 passed by the learned Additional Sessions Judge-1,
Jamui in connection with SC/ST Case No. 60 of 2021 arising
out of Jamui P.S. Case No. 439/2019 dated 16.08.2019



registered for the offence/s punishable u/ss 302 read with 34 of the Indian Penal Code, Section 27 of the Arms Act and Sections 3(2)(v) of the SC/ST Act, subsequently Section 120B of the I.P.C was added.

3. As per the prosecution case, on 16.08.2019, the informant was working in paddy field when he heard the sound of firing, in the meantime, he saw three unknown miscreants fleeing away towards *bandh*. Thereafter, the informant saw his son near the field with several firearm injuries and he found him dead. The informant's grand-daughter was weeping near the deceased and she disclosed that three unknown miscreants boarded on a motorcycle stopped the motorcycle of the informant's son and started firing.

4. Learned counsel for the appellant has submitted that the appellant has falsely been implicated in this case due to ulterior motive. The appellant is not named in the F.I.R. The name of the appellant has sprung up in the confessional statement of the co-accused. There is no specific allegation of firing against the appellant. Learned counsel has further submitted that no particular caste name has been called by the appellant hence no case is made out under section SC/ST Act. Learned counsel has submitted that a supplementary affidavit



has been filed on behalf of the appellant in which he stated in para 3 that during the course of trial, four witnesses have been examined and P.W. 2 and P.W. 3 are declared hostile and the rest witnesses have not stated anything against the appellant in the alleged offence. The co-accused person has already been granted regular bail by this court vide order dated 02.05.2024 passed in Cr. Appeal (SJ) No. 5106/2023. The appellant has one criminal antecedent as stated in para 3 of the bail petition. The appellant is in custody since 28.11.2024.

5. Learned Spl. P.P. for the State learned counsel for the respondent no. 2 have vehemently opposed the prayer for bail of the appellant.

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 27.02.2025 passed by the learned Additional Sessions Judge-1, Jamui in connection with SC/ST Case No. 60 of 2021 arising out of Jamui P.S. Case No. 439/2019, 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 Additional Sessions Judge-



1, Jamui in connection with SC/ST Case No. 60 of 2021 arising out of Jamui P.S. Case No. 439/2019, with the condition :-

(i). The appellant is directed to remain physically present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bonds of the appellant are liable to be cancelled.

(Chandra Prakash Singh, J)

Gautam/-

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