

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1352 of 2025

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

Tanik Mahto @ Tanik Mahton S/o Late Arjun Mahto @Late Arjun Mahton
R/o - Pendi, P.S - Sarmera, District - Nalanda

... .. Appellant/s

Versus

1. The State of Bihar
2. Pankaj Kumar S/o Bhagwan Ram R/o vill - Pendi, P.S.- Sarmera, Distt.- Nalanda

... .. Respondent/s

Appearance :

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

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

ORAL ORDER

4 04-09-2025 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

2. The instant appeal has been filed by the appellant against the order dated 12.02.2025 passed by learned Additional Sessions Judge 6th cum Special Judge SC/ST Act, Nalanda at Bihar Sharif whereby the prayer for bail of the appellant in connection with Sarmera P.S. Case No. 122 of 2024 under Sections 341, 323, 307, 379, 504, 34 of the Indian Penal Code and Sections 3(1), (r), (s), 3(2)(VA) of SC/ST Act was rejected.

3. The prosecution case, in short, is 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.

4. Learned counsel for the appellant submits that the appellant has falsely been implicated in the present case. Learned counsel further submitted that there is no allegation of firing against the appellant rather the same is against co-accused Ayodhya Mahto. The injury sustained by the injured is simple in nature. The only allegation against the appellant is that he is the order giver. 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. Charge-sheet has been submitted in this case. The appellant is in custody since 12.12.2024 and has five criminal antecedents. The co-accused person has already been granted bail by this Court vide order dated 26.06.2025 passed in Cr. Appeal (SJ) No. 797 of 2025.

5. Learned Special P.P. for the State vehemently opposed the prayer for grant of bail to the appellant.

6. Considering the aforesaid facts and circumstances of the case, there being direct allegation of firing against the



appellant as also the period of custody undergone by the appellant, this Court is inclined to allow this appeal. Accordingly, the appeal is allowed and order dated 12.02.2025 passed by learned Additional Sessions Judge 6th cum Special Judge SC/ST Act, Nalanda at Bihar Sharif whereby the prayer for bail of the appellant in connection with Sarmera P.S. Case No. 122 of 2024 is hereby set aside.

7. Let the appellant, abovenamed, be released on bail on furnishing bail bonds of Rs. 15,000/- (Rupees Fifteen Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Sarmera P.S. Case No. 122 of 2024.

(Rudra Prakash Mishra, J)

Alok Verma/-

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