

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1377 of 2025

Arising Out of PS. Case No.-570 Year-2024 Thana- GAUTAMBUDHNAGAR District-
Siwan

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Ankit Mahto @ Ankit Kumar Mahto S/O Late Tuntun Mahto Village- Gaur
Rauja, P.S.- GB Nagar, District- Siwan

... .. Appellant/s

Versus

1. The State of
2. Dudhnath Ram S/O Late Suhawan Ram Village- Gaur Bujurg, P.S.- GB
Nagar, District- Siwan

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mrs. Vaishnavi Singh, Advocate Mr. Ajay Kumar Thakur, Advocate Mr. Ajay Kumar Pandey, Advocate
For the Respondent/s	:	Mr. Sadanand Paswan, SPP

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

ORAL ORDER

4 26-06-2025 Heard learned counsel for the appellant, learned

Special Public Prosecutor for the State and perused the case

diary.

2. The instant appeal has been filed by the appellant
against the order dated 20.03.2025 passed by learned District
and Additional Sessions Judge-I-cum-Special Judge, Siwan
whereby the prayer for bail of the appellant in connection with
Gautam Buddha Nagar P.S. Case No. 570 of 2024 under
Sections 126(2), 115(2), 118, 109, 74, 352, 3(5) of the Bharatiya
Nyaya Sanhita, 2023, read with Sections 3(1)(r), 3(1)(s), 3(2)
(va) of SC/ST Act and Section 27 of the Arms Act was rejected.



3. Prosecution case, in short, is that, the appellant along with other co-accused person misbehaved with daughter of the informant and tore her clothes. On protest, the accused persons abused caste slurs and assaulted him and also fired a bullet which hit on the waist of one Ritesh Kumar who was standing nearby. It is further alleged that the informant sustained injuries

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 petitioner also submits that the allegation levelled against the appellant is general and omnibus in nature. No specific allegation has been attributed against the appellant. The injury received by injured Ritesh Kumar is simple in nature and no any injury has been received by the daughter of the informant. 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 03.12.2024 and has got nine criminal antecedents in which he is on bail in six cases.



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

6. Considering the aforesaid facts and circumstances of the case and the period of custody undergone by the appellant, this Court is inclined to allow this appeal. Accordingly, the appeal is allowed and order dated 20.03.2025 passed by learned District and Additional Sessions Judge-I-cum-Special Judge, Siwan is hereby set aside.

7. Let the appellant be released on bail ***after framing of charge, if not already framed*** 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 Gautam Buddha Nagar P.S. Case No. 570 of 2024, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the appellant.

(II) The appellant shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the appellant.

(III) If the appellant tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move



for cancellation of bail.

(Rudra Prakash Mishra, J)

Rajorshi/-

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