

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1390 of 2025

Arising Out of PS. Case No.-63 Year-2025 Thana- NEMDARGANJ District- Nawada

Shivnandan Mahto @ Shivnandan Prasad S/O Late Laungi Mahto Resident of
Village- Bela Tand, P.S.- Nemdarganj, District- Nawada.

... .. Appellant/s

Versus

1. The State of Bihar
2. Subhash Rajwanshi S/O Ajiya Rajwanshi @ Umesh Rajwanshi @ Ugam
Rajwansh R/O Village- Bela Tand, P.S- Nemdarganj, Distt.- Nawada.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Sanjay Kumar Sharma, Adv.
For the Respondent/s	:	Mr. Usha Kumari 1, Spl.P.P.
For the Informant/s	:	Mr. Birendra Kumar, Adv.
		Mr. Kumud Kishore, Adv.
		Mr. Atulesh Kumar, Adv.

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

ORAL ORDER

- 3 26-06-2025 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, (hereinafter in short referred to as the SC/ST
Act) against the refusal of prayer of bail *vide* order dated
12.03.2025 passed by the learned Court of Exclusive Special
Judge, SC/ST (PoA) Act, Nawada in B.P. No. 361 of 2025 in
connection with Nemdarganj P.S. Case No. 63 of 2025 dated
01.03.2025 registered for the offences punishable under



Sections 126(2), 115(2), 109 read with Section 3(5) of B.N.S. and Section 27 of the Arms Act and Section 3(1)(r)(s) of SC/ST (PoA) Act.

3. As per the prosecution case, on 28.02.2025 at about 3:30 P.M., the informant's father was returning his house from Gosai Bigha Bazar as soon as he reached near Vikky More, the appellant and the co-accused persons assaulted him with lathi and danda. It is further alleged that the co-accused Rakesh Kumar opened fire on the head of the informant's father with intention to kill due to which he got injured and fell down and the co-accused Roushan Kumar fired from rifle. On halla, the informant along with co-villagers came there and the informant's father was taken to hospital with the help of villagers.

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. It is further submitted that no particular caste name has been called by the appellant hence no case is made out under section SC/ST Act. There is general and omnibus allegation against the appellant There is no specific allegation of firing against the appellant rather the



specific allegation is against the co-accused, Rakesh Kumar and Roushan Kumar. The appellant has no criminal antecedent as stated at para 3 of the bail petition. The appellant is in custody since 01.03.2025.

5. Learned Spl. P.P. for the State and learned counsel for the informant have 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 12.03.2025 passed by the learned Court of Exclusive Special Judge, SC/ST (PoA) Act, Nawada in B.P. No. 361 of 2025 in connection with Nemdarganj P.S. Case No. 63 of 2025 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 Court of Exclusive Special Judge, SC/ST (PoA) Act, Nawada in B.P. No. 361 of 2025 in connection with Nemdarganj P.S. Case No. 63 of 2025.

(Chandra Prakash Singh, J)

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