

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1618 of 2025**

Arising Out of PS. Case No.-57 Year-2024 Thana- CHAORI District- Bhojpur

Girvadhari Kumar @ Girvadhari Mahto @ Bhikhari Mahto S/O Shankar
Mahto R/O Village- Purahara, P.S- Chawari, Distt.- Bhojpur.

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Bhagwat Sharan Ram S/O Ayodhya Ram R/O Village- Purahara, P.S-
Chawari, Distt.- Bhojpur.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Rahul Kumar

For the Respondent/s : Mr.Usha Kumari 1

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

ORAL ORDER

- 3 03-07-2025 Heard learned counsel for the appellant 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 21.03.2025 passed by the learned 1st Additional Sessions Judge-cum-Special Judge, Bhojpur at Ara in connection with Chauri P.S. Case No. 57/2024 dated 21.05.2024 registered for the offence/s punishable u/s 147, 149, 341,323, 307, 427, 504 and 506 of the Indian Penal Code and Sections 3(2)(v) and 3(1)(r)(s) of the SC/ST Act.



3. As per the prosecution case, when the informant was returning from market, the appellants and the co-accused persons came holding rod and lathi and the co-accused, Janardhan Mahto assaulted the informant on head with iron rod, causing injury. When the informant's son came to rescue, they assaulted him with lathi-danda. Thereafter, nearby people gathered there and saved them. Further, the appellant and the co-accused persons destroyed the motorcycle of the informant.

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. Learned counsel has further submitted that no particular caste name has been called by the appellant hence no case is made out under SC/ST Act. There is general and omnibus allegation against the appellant. Learned counsel has submitted that the specific allegation of assault is against the co-accused, Janardhan Mahto. The appellant has no criminal antecedent as stated at para 3 of the bail petition. The appellant is in custody since 16.07.2024.

5. Learned Spl. P.P. for the State has 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 21.03.2025 passed by the learned 1st Additional Sessions Judge-cum-Special Judge, SC/ST Act, Bhojpur at Ara in connection with Chauri P.S. Case No. 57/2024 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 1st Additional Sessions Judge-cum-Special Judge, SC/ST Act, Bhojpur at Ara in connection with Chauri P.S. Case No. 57/2024, with further 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)

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