

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3229 of 2025

Arising Out of PS. Case No.-66 Year-2025 Thana- GOGRI District- Khagaria

Mukesh Mandal Son of Late Ganeshi Mandal Resident of Village- Chhoti Muskipur ps- Gogri, Dist- Khagaria

... .. Appellant/s

Versus

1. The State of Bihar
2. Sunil Kumar Choudhary Son of Late Shov choudhary Resident of Village- Gogri jamalpur Ward no. 30 Ps- Gogri Dist- Khagaria

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Parmatma Singh, Adv.
For the Respondent/s	:	Mr. Binay Krishna, Spl.P.P.
For the Informant/s	:	Mr. Ranjay Kumar Singh

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

4 13-11-2025 Heard learned counsel for the appellant and learned counsel for the informant as well as 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 20.06.2025 passed by the learned 1st Additional Session Judge-cum-Special Judge (SC/ST) Act, Khagaria in connection with Gogri P.S. Case No. 66 of 2025 dated 16.03.2025 registered for the offence/s punishable u/ss 126(2), 109, 352, 351(2) of the B.N.S., Section 27 of the Arms Act and Section 3(i)(r)(s), 3(2)



(va) of SC/ST (POA) Act.

3. As per the prosecution case, the informant alleged that the appellant took out the pistol from his waist and fired upon him which hit on the left side of the informant's chest as a result of which he injured.

4. Learned counsel for the appellant has submitted that the appellant has falsely been implicated in this case due to ulterior motive. There is no allegation of abusing against the appellant and hence, no offence under the provisions of SC/ST Act is made out against the appellant. The petitioner has no concern with the alleged offence. The appellant has two criminal antecedents as stated at para 3 of the bail petition. The appellant is in custody since 24.03.2025.

5. Learned Spl.P.P. for the State as well as learned counsel for the informant have vehemently opposed the prayer of bail by submitting that the appellant fired on the chest of the informant but as per the injury report of PHC, Gogri, annexed as Annexure-P/2, the injury is simple in nature caused by hard and blunt substance whereas as per the report of Dr. Ashok Kumar Sharma, annexed as Annexure-P/3, a case of firearm injury of grievous in nature. Hence, both reports are contradictory itself.

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 20.06.2025 passed by the learned 1st Additional Session Judge-cum-Special Judge (SC/ST) Act, Khagaria in connection with Gogri P.S. Case No. 66 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 1st Additional Session Judge-cum-Special Judge (SC/ST) Act, Khagaria in connection with Gogri P.S. Case No. 66 of 2025, with a 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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