

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3972 of 2024

Arising Out of PS. Case No.-151 Year-2023 Thana- GHOSWARI District- Patna

Bijli Mahto son of Lauki Mahto Resident of Village- Ishanagar P.s.-
Ghoswari, District -Patna

... .. Appellant/s

Versus

1. The State of Bihar bihar
2. Kedar Paswan son of Late Chandrika Paswan Resident of Village- Ishanagar
P.s.- Ghoswari, District -Patna

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Manoj Kumar Pandey, Adv.
For the Respondent	:	Mr. Satish Kumar Sinha, Adv.
For the State	:	Mr.Sadanand Paswan, Spl. PP

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

ORAL ORDER

4 21-02-2025 Heard learned counsel for the appellant and learned
counsel for the respondent no. 2 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 against the rejection of prayer for bail vide
order dated 29.06.2024 passed by the learned Exclusive Special
Judge, SC/ST (POA) Act, Civil Court, Sadar, Patna in Special
Case No. 405 of 2023 arising out of Ghoswari P.S. Case No. 151
of 2023 dated 22.08.2023 registered for the offence/s punishable
u/ss 147, 148, 149, 323 and 302 of the Indian Penal Code, 27 of
the Arms Act and 3(i)(r)(s) / 3(2) (v)/ 3(2) (va) of the SC/ST



(POA) Act.

3. As per the prosecution case, the informant purchased a piece of land from one Dev Nath Mahto and others. Thereafter the informant's younger brother was irrigating the said land, in the meantime, the appellant along with the other co-accused persons surrounded the informant's brother and abused him by calling his caste name and assaulted him with lathi, iron rod and spade. Thereafter, on the exhortation of the appellant, Bijli Mahto, the co-accused person fired on the informant's brother causing bullet injury on both his hands and his leg and they fled away.

4. Learned counsel for the appellant has submitted that the appellant is innocent and has falsely been implicated in this case due to ulterior motive. The appellant has been implicated in this case due to long pending land dispute between both the parties. As per the Postmortem report, no fire arm injuries were found on the person of deceased. Learned counsel has further submitted that the caste name was not disclosed by anyone at the time of the alleged occurrence. As per FIR, no member of public was present at the relevant point of time of the alleged incident hence no case is made out under section SC/ST Act. The co-accused persons have already been granted



regular bail by this court vide order dated 02.05.2024 passed in Cr. Appeal (SJ) No. 1031 of 2024. The appellant has ten criminal antecedents as stated in para 3 of the bail petition. The appellant is in custody since 20.02.2024.

5. Learned counsel for the respondent no. 2 as well as learned Spl. P.P. for the State has vehemently opposed the bail petition of the appellant.

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 29.06.2024 passed by the learned Exclusive Special Judge, SC/ST (POA) Act, Civil Court, Sadar, Patna in Special Case No. 405 of 2023 arising out of Ghoswari P.S. Case No. 151 of 2023, 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 Exclusive Special Judge, SC/ST Act, Patna in Special Case No. 405 of 2023 arising out of Ghoswari P.S. Case No. 151 of 2023, with the condition/s:-

(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 bond of the appellants is liable to be cancelled.

(Chandra Prakash Singh, J)

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