

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4613 of 2024

Arising Out of PS. Case No.-14 Year-2024 Thana- BARBIGHA District- Sheikhpura

Ravi Mahto @ Ravi Shankar Mahto @ Ravi Shankar Kumar Son of Vijay Mahto Resident of Village -Bhadarathi, PS- Kenwati, O.P. Barbigha, Distt.- Sheikhpura

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Gautam Kumar Son of Buddan Chaudhary Resident of Village- Bhdarathi, P.S.- Barbigha (Keoti O.P.), Distt.- Sheikhpura

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Narendra Kumar Chaubey
For the Respondent/s	:	Mr.Binay Krishna
For the Resp No. 2	:	Mr. Dr. Anjani Pd. Singh

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

7 31-07-2025 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 16.08.2024 passed by the learned 1st Additional District and Sessions Judge -cum- Special Judge, SC/ST (POA) Act, Sheikhpura in B.P. No. 895 of 2024 arising out of Barbigha P.S. Case No. 14 of 2024 dated 05.01.2024 registered for the offence/s punishable u/ss 341, 323, 307, 504 and 506 read with



section 34 of the Indian Penal Code and sections 3(1)(r), 3(1)(s)/
3(2) (va) of the SC/ST (POA) Act.

3. As per the prosecution case, while the informant was unloading the sand from the tractor near his house, in the meantime, the co-accused Uday Mahto came and abused by calling his caste name and he also assaulted him with iron rod on his head. Thereafter, the accused Fulchan Mahto assaulted on the head of one Dharmendra Chaudhary causing injury, the other co-accused Sanjay Mahto assaulted on the head of Ravindra Chaudhary causing head injury, the accused Bijay Mahto and Raushan Mahto assaulted Budhan Chaudhary with lathi causing injury. It is further alleged that all the accused persons entered his house and abused and assaulted him.

4. Learned counsel for the appellant has submitted that the appellant has falsely been implicated in this case due to ulterior motive. 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. There is general and omnibus allegation against the appellant. The appellant has no criminal antecedent as stated in para 3 of the bail petition. The appellant is in custody since 29.07.2024.



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 16.08.2024 passed by the learned 1st Additional District and Sessions Judge -cum- Special Judge, SC/ST (POA) Act, Sheikhpura in B.P. No. 895 of 2024 arising out of Barbigha P.S. Case No. 14 of 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 District and Sessions Judge -cum- Special Judge, SC/ST (POA) Act, Sheikhpura in B.P. No. 895 of 2024 arising out of Barbigha P.S. Case No. 14 of 2024.

(Chandra Prakash Singh, J)

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