

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.5064 of 2024**

Arising Out of PS. Case No.-12 Year-2024 Thana- SC/ST District- Samastipur

Baijnath Mahto @ Baijnath Singh S/O Late Ram Khelawan Singh R/O  
Village- Raj Kharampur, P.S.- Tajpur, District- Samastipur

... .. Appellant/s

Versus

1. The State of Bihar
2. Mantu Das S/O Late Shobhit Das R/O Village- Rajkharampur, P.S- Tajpur,  
Distt.- Samastipur.

... .. Respondent/s

**Appearance :**

|                   |   |                             |
|-------------------|---|-----------------------------|
| For the Appellant | : | Mr. Shyam Kishore, Advocate |
| For the State     | : | Mr. Sadanand Paswan, SPP    |
| For the Informant | : | <b>NONE</b>                 |

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH  
MISHRA**

ORAL ORDER

5      07-07-2025              Heard learned counsel for the appellant and learned  
Special Public Prosecutor for the State.

2.      The instant appeal has been filed by the appellant against the order dated 24-09-2024 passed by learned Special Judge SC/ST (PoA) Act, Samastipur, whereby the prayer for bail of the appellant in connection with SC/ST PS Case No. 12 of 2024 under Sections 147, 148, 149, 341, 323, 324, 354, 436, 380, 448 of the Indian Penal Code (for short 'IPC') and Sections 3(1)(r), 3(1)(s), 3(1)(w) & 3(2)(va) of the SC/ST Act.

3.      Prosecution case, in short, is that on 09-02-2024, the informant's son went missing then informant started searching for his son but his son was not found. At about 11:00



P.M., the appellant along with the co-accused persons armed with weapons came to the informant's house and started assaulting the family members of the informant and burnt the informant's house and sprinkled kerosene oil on the wife of the informant but somehow she saved her life by removing her Sari. The accused persons took away the gold ornaments from the house of the petitioner.

4. Learned counsel for the appellant submits that the appellant is innocent and has falsely been implicated in the present case. Charge-sheet has been submitted in this case. As per the FIR, no member of the public was present at the relevant point of time. There is case and counter case between the parties. Appellant was member of the mob. Learned counsel for the appellant further submits that the appellant has not taken the caste name of the informant in public view. Hence, no offence under the provisions of SC/ST Act is made out against him. The appellant has no intention to disgrace the image of the informant in public view. The appellant is in custody since 28-07-2024 and has no criminal antecedent. Similar co-accused has been granted bail by a Coordinate Bench of this Court vide order dated 12-09-2024 passed in Cr. Appeal (S.J.) No. 2767 of 2024.



5. Learned Special P.P. for the State and the informant have vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case and the period of custody undergone by the petitioner, this Court is inclined to allow this appeal. Accordingly, the appeal is allowed and order dated 24-09-2024 passed by learned Special Judge SC/ST (PoA) Act, Samastipur is hereby set aside.

7. Let the appellant be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with SC/ST PS Case No. 12 of 2024.

**(Rudra Prakash Mishra, J)**

Raj Kishore/-

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