

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5048 of 2024

Arising Out of PS. Case No.-184 Year-2023 Thana- SARMERA District- Nalanda

Mako Mahto @ Mukesh Kumar S/o Shyam Sundar Mahto @ Shyam Sundar
Prasad R/o Village - Pendi P. S. - Sarmera Dist. - Nalanda

... .. Appellant/s

Versus

1. The State of Bihar
2. Mukesh Kumar S/o Chandra Mouli Ram R/o vill - Pendi, P.s. - Sarmera,
Distt.- Nalanda

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Davendra Kumar Pandey
For the Respondent/s : Mr. Binay Krishna

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 17-01-2025 1. Heard learned counsel for the appellant and learned
Special P.P. 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 referred to as the “SC/ST
Act”) against the refusal of prayer for bail vide order dated
19.09.2024 passed by the learned Additional Sessions Judge-VI-
cum-Special Judge S.C./S.T. (POA) Act, Nalanda at Biharsharif
in connection with Sarmera P.S. Case No. 184 of 2023
registered for the offences punishable under Sections 341, 323,
324, 307, 504 and 34 of the Indian Penal Code read with Section
27 of the Arms Act as well as Sections 3(1)(r)(s) and 3(2)(va) of



the SC/ST Act.

3. Learned counsel for the appellant submits that appellant had earlier moved this Court seeking anticipatory bail by filing Criminal Appeal (SJ) No. 5181 of 2023, but the same was rejected by an order dated 02.04.2024. It is next submitted that appellant is a person with clean antecedent and is in custody since 09.09.2024 and the informant alleges that on 03.09.2023 at 05:00 AM he along with Vikash on a motorcycle were going towards Isua Col for attending call of nature, further the road through which they were going was muddy, hence they took the route which crossed the house of Masudan Mahto, but the same was objected by Mahesh Mahto @ Matuk Mahto and he started abusing which was objected by the informant, further on hearing altercation, aunt, *bhabhi* and other family members of the informant came when Sharvan Mahto @ Mukhi Mahto and Mako Mahto (appellant) started abusing and assaulting by fist, further Mahesh @ Matuk and Masudan brought *Katta* from their house and fired at the informant causing injury on his back while fleeing and he fell and thereafter he was taken to hospital for treatment.

4. The learned counsel for the appellant submits that appellant has been falsely implicated in the instant case by the



informant along with his family members. It is next submitted, at the cost of repetition, that appellant is a person with clean antecedent and is not alleged to have fired, but allegation against him is that he along with Sharvan abused and assaulted by fist. It is also submitted that specific allegation of firing is against Mahesh and Masudan. It is next submitted that police after investigation submitted charge sheet as such no useful purpose would be served by keeping the appellant behind bars. It is next submitted that appellant will not abscond rather will co-operate in the trial to prove his innocence.

5. Learned Spl. P.P. for the State opposes the prayer for bail of the appellant.

6. In view of the submissions made by the learned counsel for the appellant, the order dated 19.09.2024 passed by the learned Additional Sessions Judge-VI-cum-Special Judge S.C./S.T. (POA) Act, Nalanda at Biharsharif in connection with Sarmera P.S. Case No. 184 of 2023, is **hereby set aside** and the appellant above-named, is directed to be released on bail on furnishing bail bonds of Rs. 5,000/- (Rupees Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Trial Court where the case is pending/successor court in connection with Sarmera P.S. Case No. 184 of 2023.



7. Accordingly the appeal stands allowed.

8. However, it is made clear that if the learned Trial Court comes to a conclusion that appellant after his release is trying to delay the trial in any manner, in that event the learned Trial Court shall be at liberty to cancel the bail bonds of the appellant forthwith after recording reasons.

(Satyavrat Verma, J)

Rishabh/-

U		T	
---	--	---	--

