

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5474 of 2024

Arising Out of PS. Case No.-122 Year-2024 Thana- SARMERA District- Nalanda

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1. Paras Mahto Son of Bhuneshwar Mahto Resident of village - Pendi, P.S. - Sarmera, District - Nalanda
 2. Mannu Mahto @ Jugeshwar Mahto Son of Ramnandan Mahto Resident of village - Pendi, P.S. - Sarmera, District - Nalanda.

... .. Appellant/s

Versus

1. The State of Bihar.
2. Pankaj Kumar Son of Bhagwan Ram Resident of Village - Pendi, P.S. - Sarmera, District - Nalanda.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Rajnish Kumar
For the Respondent/s : Mr.Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

3 10-11-2025 Heard learned counsel for the appellants, learned Spl.

P.P. for the State. None appears for for the Respondent despite

valid service of notice.

2. This appeal is preferred against the order dated 24.10.2024 passed by the learned Additional Sessions Judge-VI-cum- Special Judge (SC/ST, Act), Nalanda Bihar Sharif passed in ABP No. 1574 of 2024, in connection with Sarmera P.S. Case No. 122 of 2024, registered under Sections 341, 323, 307, 379 and 504/34 of the Indian Penal Code, Section 27 of the Arms Act and under Section 3(i)(r)(s), 3(2)(va) of the S.C./ S.T. Act, by which the prayer for Anticipatory bail of the Appellants



has been rejected.

3. As per the prosecution case, the allegation against the appellants is that they have abused and assaulted the informant. One Ayodhya Mahto is said to have fired which hit to left hand of informant. The allegation against the Appellants is that Appellant No.2 snatched Rs.1200/- from the informant and Appellant No.1 has beaten wife of the informant.

4. Learned counsel for the appellants submits that the appellants have falsely been implicated in this case and no offence under the provisions of SC/ST Act is made out in this case as the main thrust of allegation is because of a trivial dispute and not because of prosecution side belonging to the SC/ST community, therefore not even a prima facie case is made out and consequently, this application for anticipatory bail is maintainable. He relies upon the Judgment of the Hon'ble Supreme Court in the case of ***Kiran Vs. Rajkumar Jivraj Jain and Anr.*** reported in ***2025 INSC 1067*** and in the case of ***Hitesh Verma Vs. State of Uttarakhand*** reported in ***(2020) 10 SCC 710***.

5. Learned counsel for the State has opposed the prayer of the appellants for grant of bail.

6. I have considered the submissions of the



parties and perused the materials on record.

7. From reading of the F.I.R., it appears that there is general omnibus allegation against the Appellants, including the allegation of snatching of Rs. 1200/- and it does not appear that offence has been committed against the informant on the ground that he is a member of S.C./S.T. community.

8. Considering the aforesaid facts and also the law laid down by the Hon'ble Supreme Court in the case of *Kiran vs. Rajkumar Jivraj Jain and Anr. (Supra)* and in the case of *Hitesh Verma Vs. State of Uttarakhand (supra)*, this application for grant of anticipatory bail is held to be maintainable.

9. Having considered the submissions of the parties and also considering the facts that the main allegation against one Ayodhya Mahto, who fired on the informant, this appeal is allowed. Accordingly, the order dated 24.10.2024 passed by the learned Additional Sessions Judge-VI-cum-Special Judge (SC/ST, Act), Nalanda Bihar Sharif passed in ABP No. 1574 of 2024, in connection with Sarmera P.S. Case No. 122 of 2024, is hereby set aside.

10. Let the appellants, in the event of their arrest



or surrender within four weeks from today, be released on bail on furnishing bail bonds of Rs. 10,000/-(Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-VI-cum- Special Judge (SC/ST, Act), Nalanda Biharsharif, in connection with Sarmera P.S. Case No. 122 of 2024, subject to the conditions laid down under Section 438(2) of the Code of Criminal Procedure/482(2) of the BNSS.

(Sandeep Kumar, J)

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