

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5425 of 2024**

Arising Out of PS. Case No.-23 Year-2024 Thana- Gokhulpur District- Nalanda

Chandan Mahto @ Chandan Kumar Son of Late Lallu Mahto @ Lallu Prasad
Village -Tishkurwa PS- Gokhulpur, Dist- Nalanda

... .. Appellant/s

Versus

The State of Bihar bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Sanjay Prasad

For the Respondent/s : Mr.Sadanand Paswan

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

ORAL ORDER

5 24-04-2025 Heard learned counsel for the appellant and 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 24.10.2024 passed by the learned Additional sessions Judge VI cum Special Judge, SC/ST (POA) Act, Bihar Sharif, Nalanda in connection with Gokulpur (Gokhulpur) P.S. Case No. 23 of 2024 dated 13.08.2024 registered for the offence/s punishable u/ss 126(2), 115(2), 118(2), 109, 303(2), 351(3), 352 of the BNS and sections 3(1)(r), 3(1)(s), 3(2)(v) of the SC/ST (POA) Act and section 27 of the Arms Act.

3. As per the prosecution case, the appellant is alleged



to abused and assaulted the informant by calling his caste name and the appellant fired on him with intention to kill due to which his face was severely burnt and he fell down and became unconscious. It is further alleged the appellant also took out Rs. 2,000/- from his pocket.

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 the SC/ST Act. There is no eyewitness to the alleged occurrence. The appellant has no criminal antecedent as stated in para 3 of the bail petition. The appellant is in custody since 14.08.2024.

5. Learned Spl. P.P. for the State has vehemently opposed the bail petition of the appellant by submitting that the as per the injury report, following injureis were found on the injured, (i) Diminished vision from left eye, (ii) Redness of both eyes (iii) Multiple pellet injury on face and the injury no. 1 is grievous in nature and the injury no. 2 and 3 are simple in nature caused by firearm gunshot. It is further submitted that as per



para nos. 22, 5, 6, 23 and 24 of the case diary, the informant and the independent witnesses have also supported the prosecution case.

6. Considering the aforesaid facts and circumstances of the case as well as the specific and heinous nature of the allegation against the appellant, I am not inclined to set aside the impugned order dated 24.10.2024 passed by the learned Additional sessions Judge VI cum Special Judge, SC/ST (POA) Act, Bihar Sharif, Nalanda in connection with Gokulpur (Gokhulpur) P.S. Case No. 23 of 2024 and accordingly, the prayer for bail of the appellant is rejected.

7. Learned trial court is directed to expedite the trial and conclude the same at the earliest.

(Chandra Prakash Singh, J)

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