

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.908 of 2025

Arising Out of PS. Case No.-577 Year-2024 Thana- MADHAURAH District- Saran

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Dharmendra Mahto @ Dharmendra Chauhan S/O Dinesh Mahto Resident of
Village- Leruwa, P.S.- Marhowrah, Dist.- Saran.

... .. Appellant/s

Versus

1. The State of Bihar
2. Prahlad Kumar Manjhi S/O Yogendra Manjhi Resident of Village- Leruwa,
P.S.- Marhowrah, Dist.- Saran.

... .. Respondent/s

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Appearance :

For the Appellant	:	Mr. Gajendra Kumar Singh, Advocate
For the State	:	Ms. Usha Kumari 1, Spl.PP
For the Informant	:	N o n e

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

5 16-04-2026 Heard learned counsel appearing for the appellant and

learned Special Public Prosecutor appearing for the respondent-

State.

2. Despite valid service of notice, no body appears on

behalf of the informant/Respondent No. 2.

3. This appeal has been filed for setting aside order

dated 22.01.2025 passed in a case registered for the offence

punishable under Sections 126(2), 115(2), 118(1), 352 and

351(2) of the B.N.S. and Section 3(1)(r)(s) of the Scheduled

Castes and Scheduled Tribes (Prevention of Atrocities) Act,

whereby the prayer for grant of anticipatory bail of this

appellant has been rejected.



4. As per prosecution case, informant, namely Prahlad Kumar Manjhi, alleged that on 13.10.2024, this appellant came to his house and started abusing him with caste based slurs. It is further alleged that upon protest, this appellant inflicted knife blow in his stomach.

5. It is submitted by learned counsel appearing on behalf of the appellant that appellant is quite innocent and has committed no offence. No motive has been assigned for the alleged occurrence. As per F.I.R., this appellant assaulted informant with knife, however, doctor has found lacerated wound on the left hand and back of the informant caused by hard and blunt substance and the same is simple in nature. Thus, the injury report falsifies the entire prosecution case. It is further submitted that it is not the case of the prosecution that any member of public was present at the place of occurrence and as such, no case under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act is made out against this appellant.

6. Learned Spl. P.P. appearing for the respondent-State has vehemently opposed the prayer for grant of bail to the appellant.

7. Considering the facts and circumstances of the case and nature of injuries allegedly caused by this appellant, this



appeal is allowed and the impugned order dated 22.01.2025 passed by the learned Exclusive Special Judge, SC/ST (POA) Act, Saran in connection with A.B.P. No. 4336 of 2024 arising out of Marhowrah P.S. Case No. 577 of 2024 is hereby set aside with respect to this appellant only.

8. Accordingly, let the appellant, named above, in the event of arrest/surrender within a period of eight weeks from the date of receipt/production of a copy of this order, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, SC/ST (POA) Act, Saran in connection with Marhowrah P.S. Case No. 577 of 2024.

(Prabhat Kumar Singh, J)

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