

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2890 of 2025

Arising Out of PS. Case No.-128 Year-2025 Thana- MUNGER MUFFASIL District- Munger

Mahesh Mandal S/o- Late Rajpati Mandal Village- Manigram Totaha PS-
Bariarpur, Dist- Munger (wrongly stated in FIR i.e. R/o Village- Maheshpur
Silha P.S.- Mufassil Dist- Munger.)

... .. Appellant/s

Versus

1. The State of Bihar
2. Rani Kumari W/o- Late Rabish @ Rabo Paswan R/o Village- Maniyarchak
Silha P.S.- Mufassil Dist- Munger

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Shashi Saurabh, Advocate
For the Complainant	:	Mr. Rabi Bhushan, Advocate
For the Respondent/s	:	Mr. Sadanand Paswan, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

5 15-01-2026 Heard learned counsel for the appellant, learned
counsel for the Complainant and learned Spl. P.P. for the State.

2. This is an appeal under 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 25.06.2025 passed by the
learned A.D.J. 1st cum Special court of S.C./S.T. (PoA) Act,
Munger in connection with Muffasil P.S. Case No. 128 of 2025
registered for the offences punishable under Sections 61(2),
126(2), 127(2), 103(2), 351(2), 303(2) & 3(5) of the Bharatiya
Nyaya Sanhita and under Section 27 of the Arms Act as well as
Sections 3(1)(r), 3(1)(s), 3(2)(v) & 3(2)(va) of the SC/ST (PoA)



Act.

3. The case of the prosecution, in brief, is that on 21.04.2025 at about 07:45 P.M., the husband of the complainant Rabish @ Rabo Paswan went with Amit Kumar to the house of Amresh Poddar on the call of Chotu Paswan where several accused persons surrounded him and on the order of Mahesh Mandal, Chotu Mandal fired at him causing his death. It is also alleged that the accused persons have earlier threatened and abused him by caste name and has also threatened to withdraw the earlier case.

4. Learned counsel for the appellant submits that the allegation against the appellant is only that of order giving. He is not the main assailant. It has also been submitted that the appeal of co-accused Manju Devi has been allowed by the learned Co-ordinate Bench vide Cr. App.(SJ) No. 2954 of 2025.

5. Countering this, learned counsel for the Complainant has submitted that there is allegation against the appellant that he has ordered and on his order Chotu has fired at the husband of the complainant and that there is also allegation that he along with other accused persons have threatened the complainant for withdrawing the earlier case.

6. Learned counsel for the appellant has submitted



that the allegations levelled against the appellant are false and fabricated. Learned counsel has lastly submitted that the petitioner is in judicial custody since 23.04.2025.

7. In view of the submissions made by the learned counsel for the appellant, the order dated 25.06.2025 passed by the learned A.D.J. 1st cum Special court of S.C./S.T. (PoA) Act, Munger in connection with Muffasil P.S. Case No. 128 of 2025 is hereby set aside and the appellant above-named, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned court of A.D.J. 1st cum Special court of S.C./S.T. (PoA) Act, Munger in connection with Muffasil P.S. Case No. 128 of 2025.

8. Accordingly the appeal stands allowed.

(Ashok Kumar Pandey, J)

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