

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL APPEAL (SJ) No.3336 of 2025**

Arising Out of PS. Case No.-23 Year-2025 Thana- Maghopur District- Gopalganj

Shree Bhagwan Mahto S/o Kokil Mahto R/o Village- Belsund, PS- Madhopur,  
District- Gopalganj

... .. Appellant/s

Versus

1. The State of Bihar
2. Om Prakash Kumar S/o Pradosh Manjhi R/o vill - Belsund, P.S.- Madhopur,  
Distt.- Gopalganj

... .. Respondent/s

**Appearance :**

|                      |   |                                      |
|----------------------|---|--------------------------------------|
| For the Appellant/s  | : | Mr. Ashok Kumar Varma, Advocate      |
| For the Respondent/s | : | Mr. Usha Kumari 1, Spl. PP           |
| For the Informant    | : | Mr. Dhananjay Kumar Tiwari, Advocate |

**CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY**  
ORAL ORDER

4      09-01-2026                      Heard learned counsel for the appellant, learned  
Special Public Prosecutor for the State and learned counsel for  
the respondent no. 2.

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 03.07.2025 passed in Madhopur P.S. Case No. 23 of 2025 passed by the learned Additional Sessions Judge XI-cum-Exclusive Special Judge SC/ST (POA) Act, in connection with Madhopur P.S. Case No. 23 of 2025 P.S. Case No. 08 of 2024 registered for the offence/s punishable u/ss 351(2), 352, 190, 126(2), 115(2), 303(2), 109 and 3(5) of the BNS and under section 3(i)(r)(s) and 3(2) (va) of the SC/ST (POA) Act.



3. As per the prosecution case, the informant has alleged that while he was coming back to his home, the named accused persons, including this appellant, first intercepted him and then assaulted him, while this appellant is said to have spit on the face of the informant and abused him by taking his caste name.

4. Learned counsel for the appellant submits that the appellant has falsely been implicated in this case and no such incident as stated has occurred. It has been submitted that there was an altercation between the two sides and for the same incident there was case and counter-case and one case being Madhopur P.S. Case No. 24 of 2025 was lodged on behalf of the appellant's side by one Reena Devi. It has next been submitted that from perusal of the FIR, it would be evident that even taking of the caste name was only in version of the informant and no other person is said to have witnessed the same. Learned counsel lastly submits that the appellant has clean antecedent and he is in custody since 21.04.2025.

5. Learned counsel for the respondent no. 2 has vehemently opposed the bail petition of the appellant and has submitted that the appellant has abused the informant in a public place and has even spit on his face.



6. Considering the aforesaid submissions and facts of the case, the order passed by the learned Trial Court dated 03.07.2025 passed in Madhopur P.S. Case No. 23 of 2025, is accordingly set aside. Let the appellant above named be released on bail on furnishing bail bonds of Rs.10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending/successor court in connection with Madhopur P.S. Case No. 23 of 2025, subject to the following conditions:

(i) One of the bailors of the appellant shall be his close relative and the other shall be the local resident.

(ii) The appellant shall remain physically present in Court on each date of the trial.

(iii) In case of absence on two consecutive dates or in violation of the terms of the bail, the bail bond of the appellant will be liable to be cancelled by the court concerned.

(iv) If the appellant is found involved in similar nature of offence in future, the prosecution shall be at liberty to move for cancellation of his bail bond.



(v) The learned Court below shall verify the criminal antecedent of the appellant and in case at any stage it is found that the appellant has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the appellant. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

7. The criminal appeal is allowed.

8. It is made clear that the observation, if any, made in this order, shall be of no bearing during the trial.

**(Sourendra Pandey, J)**

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