

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3765 of 2025**

Arising Out of PS. Case No.-437 Year-2025 Thana- HILSA District- Nalanda

Mithilesh Kumar @ Mithilesh Yadav S/O Suresh Prasad Yadav @ Suresh
Yadav Resident of village- Nagama, Pilich, P.S.- Hilsa, District- Nalanda

... .. Appellant/s

Versus

1. The State of Bihar
2. Bhaso Manjhi S/O Late Tulsi Manjhi Resident of village- Nagma, P.S.-
Hilsa, District- Nalanda

... .. Respondent/s

Appearance :

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

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER**

3 23-02-2026 Heard the parties.

2. The appellant has preferred the present appeal under Section 14A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act (for short 'the Act') against the order dated 23.08.2025 passed by the learned Additional Sessions Judge VIth cum Special Judge SC/ST (POA) Act, Bihar Sharif, Nalanda, in A.B.P. No. 1382 of 2025 in connection with Hilsa P.S. Case No. 437 of 2025 registered under Sections 352, 351(3), 109(1) of BNS, u/s 27 of Arms Act and Sections 3(i)(r)(s) of SC/ST (POA) Act.



3. Present appeal is well within limitation as prescribed under Section 14A(3) of the Act.

4. Notice appears served to respondent no. 2 by way of substituted mode of service, which shows that it has been served validly upon informant but failed to join the present proceedings.

5. Allegation against appellant is to open fire upon informant to cause gun shot injury and also to abuse in caste name, where occurrence alleged to be arising out of local dispute and differences.

6. Learned counsel appearing for the appellant submitted that the nature of injury upon medical examination found simple in nature, therefore, it can be said that appellant was not under intention to cause death of the informant/injured. It is submitted that allegation *qua* abuse in caste name *prima-facie* was not made in public view, therefore no case is supposed to be made out. In support of his submission learned counsel relied upon the legal report of Hon'ble Supreme Court as available through **Hitesh Verma v. State of Uttarakhand, (2020) 10 SCC**



710. The appellant claimed clean antecedent.

7. Learned Special P.P. while opposing the prayer of bail submitted that allegation of firing is specifically available against this appellant where during medical examination multiple iron filling wound on right side of shoulder, arm and chest region found which appears in full corroboration as raised through FIR.

8. In view of aforesaid factual submissions and by taking note of fact, as allegation to cause fire arm injury is specifically available against appellant, which *prima-facie* appears corroborating with injury report of informant, accordingly, the prayer of bail of appellant stands **rejected**.

(Chandra Shekhar Jha, J)

Sudha/-

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