

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4656 of 2025

Arising Out of PS. Case No.-69 Year-2025 Thana- BIHRA District- Saharsa

Ramdeo Mahto @ Ramdev Mahto S/o Siyaram Mahto R/o village - Bela
Bagrauli, P.S - Bihra, District - Saharsa (Bihar)

... .. Appellant/s

Versus

1. The State of Bihar
2. Chulhay Paswan S/o Late Rameshwar Paswan R/o village - Bela Bagrauli,
Panchayat - Barahsher, Ward No. 11, P.S - Bihra, District - Saharsa

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Amarnath Jha, Advocate
For the Respondent/s : Mrs. Usha Kumari 1, SPP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

3 05-02-2026 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

2. The instant appeal has been filed by the appellant against the order dated 04.11.2025 passed by learned Additional Sessions Judge 1st-cum-Special Judge, Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, Saharsa whereby the prayer for bail of the appellant in connection with Bihra P.S. Case No. 69 of 2025 under Sections 191(2), 191(3), 190, 103(1), 61(2) of the Bharatiya Nyaya Sanhita, 2023, read with Section 27 of the Arms Act and Section 3(2)(v) of SC/ST Act was rejected.

3. Prosecution case, in short, is that while the



informant's son was going to Saharsa on his motorcycle, on the way, the accused persons surrounded him and co-accused Md. Abdul Rehman fired on the chest of the informant's son due to which he fell on the ground. Thereafter, the appellant and the co-accused persons started indiscriminate firing on the son of the informant due to which he died on the spot. The informant has further alleged that the main conspirator of the alleged occurrence is the co-accused Pradeep Kumar Thakur.

4. Learned counsel for the appellant submits that the appellant is innocent and has falsely been implicated in the present case. Charge-sheet has been submitted in this case. Learned counsel for the appellant also submitted that no specific allegation has been attributed against the appellant rather the same is general and omnibus in nature. Learned counsel for the appellant further submits that the appellant has not taken the caste name of the informant in public view. Hence, no offence under the provisions of SC/ST Act is made out against him. The appellant has no intention to disgrace the image of the informant in public view. The appellant is in custody since 20.06.2025 and has got one criminal antecedent in which he is on bail. Other co-accused has been granted regular bail by this Court vide order dated 22.01.2026 passed in Cr. Appeal (S.J.) No. 4725 of 2025.



5. Learned Special P.P. for the State has vehemently opposed the prayer for grant of bail to the appellant.

6. Considering the aforesaid facts and circumstances of the case and the period of custody undergone by the appellant, this Court is inclined to allow this appeal. Accordingly, the appeal is allowed and order dated 04.11.2025 passed by learned Additional Sessions Judge 1st-cum-Special Judge, Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, Saharsa is hereby set aside.

7. Let the appellant be released on bail on furnishing bail bonds of Rs. 15,000/- (Rupees Fifteen thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Bihra P.S. Case No. 69 of 2025.

(Rudra Prakash Mishra, J)

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