

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.174 of 2022

Arising Out of PS. Case No.-33 Year-2021 Thana- SC/ST District- Bhagalpur

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1. ARUN MANDAL Son of Prabhuji Mandal Resident of Village - Dimaha, P.s.- Gopalpur, Distt.- Bhagalpur.
 2. Haria Mandal Son of Late Baleshwar Mandal Resident of Village - Dimaha, P.s.- Gopalpur, Distt.- Bhagalpur.

... .. Appellant/s

Versus

1. The State of Bihar
2. Vakil Kumar Das Son of Upendra Das Resident of Village - Dimaha, P.s.- Gopalpur, Distt.- Bhagalpur.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Raghwendra Pratap Singh
For the Respondent/s : Mr.Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

- 3 18-08-2022 1. Heard learned counsel for the appellants and learned Special P.P. for the State as well as learned counsel for the respondent no.2/informant, on point of admission and on merit also.
2. The appellant has preferred the present appeal under Section 14A(2) of the 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 27.11.2021 passed by the learned 3rd Additional Sessions Judge-cum-Special Judge, SC/ST(POA) Act, Bhagalpur in connection



with Bhagalpur SC/ST P.S. Case No. 33 of 2021 registered under Sections 341/323/354/504/506/34 of Indian Penal Code and Section 3(1)(r)(s) of SC/ST Act.

3. Present appeal is well within limitation as prescribed under Section 14A(3) of the Act.
4. Notice has been issued to Respondent no.2, served upon and duly represented.
5. The appellants are named in F.I.R. and are in custody since 03.11.2021.
6. The allegation against the appellants is to outrage the modesty of minor daughter of the informant along with other co-accused persons in the background of previous enmities / litigation.
7. Learned counsel for the appellants submitted that appellants have been implicated falsely in the present case, due to previous enmities and pending litigation. It is also submitted that allegation as regard to assault and outraging the modesty is very much general and omnibus against the appellants. It is also submitted that daughter of informant completely denied the occurrence with her, during course of investigation, while recording her statement under Section 164 of the Cr.P.C., as mentioned



in para 8 of case diary. It is also submitted that caste name abuse is not appearing in public view, negating atrocities, within the meaning of Act. While concluding the argument, it is submitted that investigation of this case has been completed, for which, charge-sheet has already been submitted, as such, there is no chance of tampering with the evidence.

8. Learned counsel for the appellant submitted that if insult is not caused to complainant/informant on the basis of caste, no case is made out under the Act, as it was held in *State of Madhya Pradesh Vs. Parasram @ Purushottam, as reported in 2015 (153) AIC 276*.
9. Learned Special P.P. for the State duly assisted by learned counsel for the Respondent No.2/Informant, while opposing prayer for bail, fairly conceded the fact that allegation as regard to assault and outraging the modesty, is very much general and omnibus in nature against both the appellants.
10. In view of the submissions, as made above, as allegation is appearing very much general and omnibus against both the appellants in the backdrop of negating allegation by victim coupled with the fact that the charge-



sheet has been submitted, let both the appellant, above named, are directed to be released on bail in connection with Bhagalpur SC/ST P.S. Case No. 33 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned 3rd Additional Sessions Judge-cum-Special Judge, SC/ST(POA) Act, Bhagalpur, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C.

11. Accordingly, impugned order dated 27.11.2021 is set aside.

12. Hence, appeal stands allowed.

(Chandra Shekhar Jha, J)

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