

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.139 of 2022

Arising Out of PS. Case No.-407 Year-2020 Thana- BAGHA District- West Champaran

Girijesh Chaudhary S/o Late Kanchan Chaudhary R/o Sojhi Ghat Bankatwa,
P.S.- Bagaha, District- West Champaran.

... .. Appellant/s

Versus

1. The State of Bihar
2. Dukhnai Devi Late Shankar Ram Vill- Sojhi Ghat, Bankatwa (ward No. 21)
P.S.- Bagha, District- West Champaran

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Vishwajeet Kumar Mishra, Advocate
For the State	:	Mr. Spl. P.P.
For the Informant	:	Mr. Advocate

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

4 21-09-2022 1. Heard learned counsel for the appellant, learned Special P.P. for the State and learned counsel for the 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 (for short 'the Act') against the order dated 27.01.2021 passed by the learned 1st Additional District and Sessions Judge-cum-Special Judge, SC/ST, Bettiah, West Champaran in connection with Bagaha P.S. Case No. 407 of 2020 registered under Sections 147, 149, 341, 323, 324, 307 and 302 of Indian Penal Code and Sections 3(i)(r)(s) and 3(2) (va) of the 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. Appellant is named in F.I.R. and is in custody since 19.12.2020.

6. The allegation against the appellant is to commit murder of husband of the informant by making assault with axe, causing head injury, alongwith other co-accused persons.

7. Learned counsel for the appellant submitted that the appellant has been falsely implicated in this case due to land dispute. It is submitted that the occurrence is nothing but a free fight, where both the parties received injuries, negating intention of the appellant to cause death. It is submitted that a counter case has also been lodged by the appellant's side for the same set of occurrence. It is submitted that nothing surfaced from bare perusal of the F.I.R., which may, on its face, suggest that the act of appellant attract atrocities within the meaning of the Act. While concluding the argument, it is submitted that investigation in this case is complete for which chargesheet 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 informant, while opposing the prayer of bail, submitted that there is specific allegation against this appellant to cause head injury by using axe. It is also submitted that the nature of injury was found incised, which further corroborate the nature of weapon, alleged to be used to cause injury.

10. In view of the facts and circumstances, as mentioned above, as there is specific allegation against this appellant to cause head injury, which is in corroboration with post mortem report and injury which was found upon the head of the deceased, this Court is not inclined to grant bail to the appellant.

11. Accordingly, prayer of bail of the appellant is rejected herewith, at present.

12. However, learned Trial Court is directed to conclude the trial within a period of nine months from the date



of receipt of this order, by taking the matter on board, if required, on daily basis, for expeditious disposal of the trial.

13. Superintendent of Police, West Champaran is directed to produce the chargesheeted witnesses, as and when directed by the Trial Court, so as to conclude the trial within the aforesaid time period, as directed above.

(Chandra Shekhar Jha, J)

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