

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.281 of 2022

Arising Out of PS. Case No.-207 Year-2020 Thana- JADOPUR District- Gopalganj

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1. SANTOSH YADAV SON OF LATE SHANKAR YADAV R/O VILLAGE-BALUWA TOLA, P.S.- JADOPUR, DISTRICT- GOPALGANJ
 2. SHRIKANT YADAV SON OF LATE SHANKAR YADAV R/O VILLAGE-BALUWA TOLA, P.S.- JADOPUR, DISTRICT- GOPALGANJ

... .. Appellant/s

Versus

1. The State of Bihar
2. Raju Gond Late Manger Gond Village-Awadh Nagar,Vishanpur,P.S-Jodopur,District-Gopalganj

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Dhramveer
For the Respondent/s : Ms. Usha Kumari 1, Advocate

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

- 3 02-11-2022 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 appellants have 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 Act”) against the refusal of prayer for bail vide order dated 17.12.2021 passed by the learned Additional Sessions Judge-III-cum-Special Judge, SC/ST(POA) Act, Gopalganj in connection with Jadopur



P.S. Case No. 207 of 2020 registered under Sections 341, 323, 302, 504 and 34 of Indian Penal Code and Sections 3(i)(r)(s)(w)/3(ii) 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., where, appellant no.1 is in custody since 28.12.2020 and appellant no.2 is in custody since 14.09.2021.
6. The allegation against the appellants is to commit murder of brother of informant by causing bodily injuries, due to local disputes and differences.
7. Learned counsel for the appellants submitted that allegation of assault is not specific against both the appellants, where, occurrence is of free fight in nature. It is further submitted that brother of informant received fatal injuries, due to motorcycle accident as stated by witnesses, during course of investigations and in reference, thereof, pointed out paragraph no.7 of the case diary. It is also submitted that act of the appellants cannot be said an atrocities, within the meaning of the Act, as per



face of FIR. While concluding the argument, it has been 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, submitted that it was appellant no.1, namely, Santosh Yadav, who hit the deceased with motorcycle, intentionally, by giving a colour of accident.
10. In view of the submissions, as made above, as the allegation of assault is not specific against both the appellants, where, admittedly, death of deceased was due to injuries caused by motorcycle, let both the appellants, above named, are directed to be released on bail in connection with Jadopur P.S. Case No. 207 of 2020 on furnishing bail bond of Rs.10,000/- (Rupees Ten



Thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-III-cum-Special Judge, SC/ST(POA) Act, Gopalganj, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C.

11. Accordingly, impugned order dated 17.12.2021 is set aside.

12. Hence, appeal stands allowed.

(Chandra Shekhar Jha, J)

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