

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.502 of 2020**

Arising Out of PS. Case No.-466 Year-2019 Thana- NAGAR District- Vaishali

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Annu Singh @ Rahul Singh Son of Pramod Singh Resident of Village-
Sidhighat, P.S.-Hajipur Town, District-Vaishali.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Umesh Chandra Verma, Advocate
For the Respondent/s : Mr.Binay Krishna, Spl.P.P.

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

7 16-11-2022 1. Heard learned counsel for the appellant and learned
Special P.P. for the State, 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 23.12.2019 passed by the learned 1st Additional
Sessions Judge-cum-Special Judge, SC/ST (POA) Act, Vaishali
at Hajipur in connection with Hajipur Town P.S. Case No. 466
of 2019 registered under Sections 341, 342, 307, 34, 186, 341,
324 of 326 of Indian Penal Code and Section 3(i)(r)(s), 3(2)(v)
of the Schedule Castes and Scheduled Tribes 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, but failed to join the present proceedings.

5. Appellant is not named in F.I.R. and is in custody since 28.05.2019.

6. The allegation against the appellant is to fire upon under trial criminal, Manish Kumar Singh, while producing him in the Court of learned A.C.J.M-III, Vaishali at Hajipur, along with some unknown miscreants, causing fire arm injury to two police personnel.

7. Learned counsel for the appellant submitted that the appellant has no concerned with the aforesaid occurrence because at the time of the occurrence he was in jail. It is submitted that name of the appellant surfaced on the basis of confessional statement of co-accused, Kunal Kumar, in furtherance no incriminating material surfaced/recovered which may connect this appellant with the present occurrence. It is further submitted that on the face of FIR, nothing can be gathered which may 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 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., while opposing the prayer of bail, fairly conceded the fact that appellant is not named in the FIR.

10. In view of the facts and circumstances, as mentioned above, as save and except suspicion, nothing surfaced/recovered, during the course of investigation, in furtherance of confessional statement of the co-accused person, to connect this appellant, *prima facie*, with the present set of occurrence, let the appellant, above named, is directed to be released on bail in connection with Hajipur Town P.S. Case No. 466 of 2019 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned 1st Additional Sessions Judge-cum-Special Judge, SC/ST (POA) Act, Vaishali at Hajipur/concerned Court, subject to the conditions as laid down u/s 437(3) of the Cr.P.C.



11. Accordingly, impugned order dated 23.12.2019 is
set aside.

12. Hence, appeal stands allowed.

(Chandra Shekhar Jha, J)

R.S.Sen/-

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