

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1217 of 2022

Arising Out of PS. Case No.-104 Year-2017 Thana- MANIYARI District- Muzaffarpur

Dhiraj Kumar S/O Radhey Singh R/O Vill. Sisauni Probadhi, P.S.- Sarai,
Dist.- Vaishali

... .. Appellant/s

Versus

1. The State of Bihar
2. Gena Ram S/O Dev Lal Ram R/O Vill.- Pranpur Verai, P.S.- Hazipur Sadar,
Dist.- Vaishali

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Arun Kumar No. 1,
For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

- 3 01-09-2022
1. Heard learned counsel for the appellant and learned Special P.P. for the State, on point of admission and on merit also.
 2. Service report placed by Spl.P.P. before this Court and the same has been taken on record.
 3. 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 06.01.2022 passed by the learned Additional Sessions Judge-III-cum-Special Judge (SC/ST) (POA), Muzaffarpur in connection with Maniyari P.S. Case No. 104 of 2017 registered under Sections 341, 323, 307, 504/34 and 302 of the Indian Penal Code and Section 3(2) (V) of SC/ST (POA) Act.
 4. Present appeal is well within limitation as prescribed



under Section 14A(3) of the Act.

5. Notice has been issued to Respondent no.2, served upon but informant failed to appear.

6. Appellant is named in F.I.R. and is in custody since 18.08.2021.

7. The allegation against the appellant is to, brother of bride not named in F.I.R. by any specific name, fired upon informant along with other co-accused persons during marriage party, resulting death of the informant after five months of occurrence.

8. Learned counsel for the appellant submitted that the allegation of firing is specific against one son-in-law of Brahmdeo Bhagat, causing death of informant where allegation against this appellant is limited only to give order. It is also submitted that informant/injured died after five months during the course of treatment. It is further submitted that the act of appellant can not be said atrocities within meaning of the Act, where appellant is a man of clean antecedent and moreover, investigation of this completed, for which the charge-sheet has been submitted and, as such, there is no chance of tampering with the evidence.

9. 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.***



10. Learned Special P.P., while opposing the prayer of bail, fairly conceded the fact that allegation of firing is not against this appellant.

11. In view of the facts and circumstances, as mentioned above, as allegation of firing is not against the appellant, who is a man of clean antecedent, let the appellant, above named, is directed to be released on bail in connection with Maniyari P.S. Case No. 104 of 2017 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-III-cum-Special Judge, SC/ST (POA) Act, Muzaffarpur/concerned Court, subject to the conditions as laid down u/s 437(3) of the Cr.P.C.

12. Accordingly, impugned order dated 06.01.2022 is set aside.

13. Hence, appeal stands allowed.

(Chandra Shekhar Jha, J)

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