

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.663 of 2022

Arising Out of PS. Case No.-178 Year-2021 Thana- NAUTAN District- West Champaran

Om Prakash Yadav Son of Late Rajaram Yadav Resident of Village- Balua
Nautan, Police Station- Nautan, District- West Champaran.

... .. Appellant/s

Versus

1. The State of Bihar
2. Dukhi Ram Son of Late Ramdhari Ram Resident of Village- Purvi Nautan
Harijan Toli, P.s.- Nautan, District- West Champaran.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Sachida Nand Rai, Advocate
For the Respondent/s : Ms. Usha Kumari 1, SPP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

- 2 14-07-2022 1. Heard learned counsel for the appellant 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 22.01.2022
passed by the learned 1st District and Sessions Judge-cum-
Special Judge (SC/ST), Bettiah, District-West Champaran
in connection with Nautan P.S. Case No.178 of 2021



registered under Sections 341, 323, 385, 379, 504 and 506 of Indian Penal Code and Section 3(i)(r)/3(ii)(v-a) 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 appellant is named in F.I.R. and is in custody since 28.12.2021.
6. The allegation against the appellant is to assault the son of the informant and abused by taking caste name. Further, it has been alleged that the appellant snatched Rs.700/- and cycle of the informant.
7. Learned counsel for the appellant submitted that nothing appears from bare perusal of FIR, that petitioner abused the informant or his son by caste name. It has further been submitted that the appellant is a man of clean antecedent. While concluding the argument, it has been submitted that investigation has been completed, for which, charge-sheet has already been submitted in this case, 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 there is factum of compromise of neighborhood between the parties.
10. In view of the submissions, as made above, as nothing incriminating surfaced during course of the investigation, which may suggest that the abuse of caste name is transpired against petitioner, who is otherwise man of clean antecedent coupled with the fact that charge-sheet has already been submitted, let the appellant, above named, is directed to be released on bail in connection with Nautan P.S. Case No. 178 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 1st Additional District and Sessions Judge-cum-Special Juudge (SC/ST), Bettiah, District West Champaran, subject to the following conditions:

“(i) Appellant shall cooperate in the trial



and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the appellant, duly supported by the documents.

(ii) That one of the bailors shall be Ranjeet Kumar Yadav, who is the maternal nephew of the appellant and deponent of the present appeal.”

11. Accordingly, impugned order dated 22.01.2022 is set aside.

12. Hence, appeal stands allowed.

(Chandra Shekhar Jha, J)

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