

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.703 of 2022**

Arising Out of PS. Case No.-13 Year-2021 Thana- AGRER District- Rohtas

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Sahid Khan Son of Irshad Khan R/O Village- Baradih, P.S.- Agrer, District-
Rohtas

... .. Appellant/s

Versus

1. The State of Bihar
2. Bigni Devi Wife of Late Sugriv Ram R/O Village- Baradih, P.S.- Agrer,
District- Rohtas

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Ashok Kumar Pandey
For the Respondent/s	:	Mr. Sadanand Paswan, Spl. PP
For the Informant	:	Mr. Rajendra Kumar Deo, Advocate

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 01-09-2022 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 24.09.2021 passed by the learned 1st Additional
District and Sessions Judge-cum-Special Judge, Rohtas at



Sasaram in connection with Agrer P.S. Case No. 13 of 2021 registered under Section 302 of Indian Penal Code and Section 3(2)(v) 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 04.06.2021.

6. The allegation against the appellant is to commit murder of the husband of the informant, who is a member of Scheduled Caste community.

7. Learned counsel appearing on behalf of the appellant submitted that informant is not the eye witness of the occurrence and entire allegation is based upon suspicion. It is submitted that, as per F.I.R., appellant was equipped with country made pistol, but allegation is to commit murder by way of throttling, which also creates a doubt over entire prosecution. It is further submitted that nothing incriminating surfaced during the course of investigation, which may connect the appellant, *prima facie*, with the present set of occurrence. It is also submitted that the act of the appellant is not of such nature,



which may 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 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, fairly conceded that informant is not the eye witness of the occurrence.

10. In view of the facts and circumstances, as mentioned above, as entire allegation is based upon suspicion in the background, where informant is not the eye witness of the occurrence coupled with the fact that chargesheet has already been submitted, let the appellant, above named, is directed to be released on bail in connection with Agrer P.S. Case No. 13 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 Sessions Judge-cum-Special Judge, Rohtas at Sasaram/concerned Court, subject to the conditions as laid down u/s 437(3) of the Cr.P.C.

11. Accordingly, impugned order dated 24.09.2021 is set aside.

12. Hence, appeal stands allowed.

(Chandra Shekhar Jha, J)

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