

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.670 of 2022**

Arising Out of PS. Case No.-337 Year-2021 Thana- RIGA District- Sitamarhi

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Raja Thakur @ Krishna Kumar Thakur Son of Kenhari Thakur @ Khenari
Thakur Resident of Village - Kusumpur Bakhari, P.s.- Riga, Distt.- Sitamarhi.

... .. Appellant/s

Versus

1. The State of Bihar
2. Ajay Bharti Son of Ram Chandra Paswan Resident of Village - Station Tola,
Ward no.2, P.s.- Riga, Distt.- Sitamarhi.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Dinesh Jha, Advocate

For the Respondent/s : Mr. Sadanand Paswan, Spl.P.P.

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

4 28-09-2022 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 24.01.2022 passed by the learned 1st Additional Sessions
Judge-cum-Special Judge (SC/ST), Sitamarhi in connection with
Riga P.S. Case No. 337 of 2021 registered under Sections 302 and 34
of the Indian Penal Code and Section 3(2) (V) 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. Appellant is named in F.I.R. and is in custody since 26.09.2021.

6. The allegation against the appellant is to commit murder of the son of informant, along with other co-accused persons.

7. Learned counsel for the appellant submitted that Informant is not the eye witness of this occurrence, where the entire accusation is based upon information given upon mobile of the informant by one Priyanshu Kumar, who later on, during investigation found as only accused to commit murder of the son of informant and to misdirect the investigation falsely implicated appellant, along with other co-accused persons. It is further submitted that F.I.R. on its face not suggesting that act of appellant can be said an atrocities within the meaning of act. While concluding the argument, it is submitted that investigation is completed, for which, charge-sheet is 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 appearing on behalf of 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 person, who informed regarding occurrence to the informant over phone, found prime suspect during investigation, where implication is on heresay input, let the appellant, above named, is directed to be released on bail in connection with Riga P.S. Case No. 337 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-Exclusive Special Judge, Sitamarhi/concerned Court, subject to the conditions as laid down u/s 437(3) of the Cr.P.C.

11. Accordingly, impugned order dated 24.01.2022 is set aside.

12. Hence, appeal stands allowed.

(Chandra Shekhar Jha, J)

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