

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.715 of 2022**

Arising Out of PS. Case No.-114 Year-2021 Thana- NOWKOTHI GARHPURA District-
Begusarai

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Nitish Kumar S/o Nepo Mahto @ Sunil Mahto Resident of Village -
Rajakpur, P.S. - Nawkothi, District - Begusarai.

... .. Appellant/s

Versus

1. The State of Bihar
2. Shushila Devi Wife of Mahesh Paswan Resident of village- Rajakpur, P.S.-
Nawkathi, Dist- Begusarai

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Binod Kumar, Advocate
For the Respondent/s	:	Mr. Sadanand Paswan, APP
For the Informant	:	Mr. Arun Kumar Gupta, Advocate

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

5 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 29.01.2022 passed by the learned Exclusive
Special Judge, SC/ST (POA) Act, Begusarai in connection with
Nawkothi P.S. Case No. 114 of 2021 registered under Sections



147, 323, 325, 504, 506, 354 and 307 of Indian Penal Code, Section 3(1)(r)(s) and 3(2)(va) of the Act and Section 3/4 of the Prevention of Witch (Daain) Practices 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 29.01.2022.

6. The allegation against the appellant is to assault the informant and family members, alongwith other co-accused persons and while doing so, twisted the neck of the daughter of the informant with intention to cause death.

7. Learned counsel for the appellant submitted that the though, the allegation of twisting the neck is specific against this appellant but the injury report is showing that it is not a case of any external injury, and it was simply a pain in neck, where nothing surfaced to gather that intention was to cause death. It is submitted that the occurrence was founded over land dispute, regarding common passage, which has now been compromised between the parties. It is further submitted that there is nothing to suggest that act of appellant is said to be atrocities within the



meaning of the Act. While concluding the argument, it is submitted that appellant is a man of clean antecedent and, moreover, 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 injury report suggest only neck pain. Learned counsel for the informant is in agreement with the submission of compromise, as advanced by learned counsel for the appellant.

10. In view of the facts and circumstances, as mentioned above, and also by considering the nature of injury, in the backdrop of land dispute 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 Nawkothe P.S. Case No. 114 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 Exclusive Special Judge, SC/ST (POA) Act, Begusarai/concerned Court, subject to the conditions as laid down u/s 437(3) of the Cr. P.C.

(Chandra Shekhar Jha, J)

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