

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.691 of 2022**

Arising Out of PS. Case No.-23 Year-2021 Thana- SC/ST District- Munger

Sudhir Thakur Son of Late Puna Thakur Resident of Village - Thada, P.s.-  
Tetiabamber (Sangrampur), Distt.- Munger.

... .. Appellant/s

Versus

1. The State of Bihar
2. Parvati Devi W/o Bhola Murmu Resident of Village - Thada, P.s.-  
Tetiabamber (Sangrampur), Distt.- Munger.

... .. Respondent/s

**Appearance :**

For the Appellant/s : Ms. Indu Bhushan, Advocate  
For the Respondent/s : Ms. Usha Kumari 1, Spl.P.P.

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA**  
**ORAL ORDER**

7      28-09-2022                      1. Heard learned counsel for the appellant and learned  
Special P.P. for the State on point of admission and on merit  
also.

2. 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 17.01.2022 passed by the learned Court of  
Additional District Judge I-cum-Special Judge (SC/ST) Act,  
Munger in connection with SC/ST P.S. Case No. 23 of 2021  
registered under Sections 120(B), 147, 149, 167, 323, 447, 467,  
468, 471, 504 and 506 of the Indian Penal Code and under  
Section 3(i) (r) (s) 2 (v) (va) of SC/ST Act.



3. Present appeal is well within limitation as prescribed under Section 14A(3) of the Act.

4. It appears from office report that notice was served upon informant. Informant failed to join present proceedings.

5. Appellant is named in F.I.R. and is in custody since 09.10.2021.

6. The allegation against the appellant is to transfer of land on the basis of false documents, which initially belongs to informant.

7. Learned counsel for the appellant submitted that as appellant was homeless, alleged land was transferred to his wife under provision of "Homestead Act", under appropriate Government scheme after accusation of land for said purpose. It is further pointed out that nothing can be gathered from the face of F.I.R., which may suggest that act of appellant is 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 of this case 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 opposes the prayer of bail.

10. In view of the facts and circumstances, as mentioned above, as land in issue appears allotted to this appellant under Government scheme coupled with fact that charge-sheet submitted, let the appellant, above named, is directed to be released on bail in connection with SC/ST Act P.S. Case No. 23 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 Additional District Judge-cum-Special Judge, (SC/ST Act), Munger/concerned Court, subject to the conditions as laid down u/s 437(3) of the Cr.P.C.

11. Accordingly, impugned order dated 17.01.2022 is set aside.

12. Hence, appeal stands allowed.

**(Chandra Shekhar Jha, J)**

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