

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.725 of 2022

Arising Out of PS. Case No.-159 Year-2021 Thana- PIPRA District- East Champaran

BANGALI SAH @ BANGALI SAHANI Son of Late Samtola Sahani
Resident of Village - Amwa, P.S. - Pipra, District - East Champaran.

... .. Appellant/s

Versus

1. The State of Bihar
2. Neeraj Karodi Son of Lahsan Korodi R/o Vill- P.S- Pakaridayal, Dist- East Champaran

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Rashmi Jha, Advocate
For the Respondent/s : Mr. Binay Krishna, Special P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

- 6 16-11-2022 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 08.10.2021 passed by the learned A.S.J.-Ist-cum-Special Judge, SC/ST (POA) Act, East Champaran at Motihari in connection with Pipra P.S. Case No. 159 of 2021 registered under Sections 302 of Indian Penal Code, Sections 3(2)(v) of the Schedule Caste and Schedule Tribe (POA) 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 failed to join the present proceeding.
5. The appellant is named in FIR and is in custody since 03.06.2021.
6. The allegation against the appellant is to commit murder of the wife of informant, while assaulting with wooden stick, causing head injury, due to quarrel, arises out of clearness of local road.
7. Learned counsel for the appellant submitted that wife of the informant died due to injury what she received due to accident, during course of occurrence. It is submitted that no independent witnesses supported the occurrence, during course of investigation. It is further submitted that from the face of FIR, it no where, appears that act of petitioner is atrocities, within the meaning of Act. While concluding the argument, it is submitted that investigation of this case has been completed, for which, charge-sheet has already 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, while opposing the prayer of bail submitted that specific allegation to cause fatal head injury is available against this appellant, which is in full corroboration with postmortem report. Learned Special P.P. further pointed out that informant is eye-witness of the present occurrence and there is no reason to disbelieve his version.
10. In view of the submissions, as made above, as the specific allegation as regard to causing fatal head injury is available against this appellant, where, informant is the eye-witness of the occurrence, this Court, at present, is not inclined to grant bail to the appellants.
11. Accordingly, the prayer of bail of the appellants is rejected herewith.
12. Hence, appeal stands dismissed.
13. Learned Trial Court is directed to proceed with the matter, by taking it on board, on daily basis, if required, so as trial may conclude within a period of 06 (six)



months from the date of receipt of the copy of this order.

14. Superintendent of Police, East Champaran is directed to produced the charge-sheeted witnesses, as and when directed by the learned Trial Court, for expeditious disposal of trial, within specified time, as directed above.

(Chandra Shekhar Jha, J)

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