

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.747 of 2022

Arising Out of PS. Case No.-404 Year-2021 Thana- MASAUDHI District- Patna

Punarchand Bind @ Puranchand Bind S/o Rajendra Bind Resident of Village-
Madhochak, P.S.- , Masaurhi, District- Patna

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Shashi Bhushan Kumar Nirala, Advocate
For the Respondent/s : Mr. Binay Krishna, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

- 4 15-09-2022 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 20.12.2021 passed by the learned Court of Additional District and Sessions Judge-III-cum-Special Judge (SC/ST Act), Patna in connection with Masaurhi P.S. Case No. 404 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 served upon the informant through SHO,



Masaurhi, service report filed by Spl. P.P. before this Court has been taken on record, but failed to appear.

5. Appellant is named in F.I.R. and is in custody since 15.08.2021.

6. The allegation against the appellant is to commit murder of brother of the informant for previous longstanding enmities.

7. Learned counsel for the appellant submitted that the informant is not the eye witness of the occurrence where entire allegation is based upon suspicions. It is further submitted that allegations as alleged regard to fatal assault is very much general and omnibus, against the appellant. It is further submitted that nothing surfaced during the course of investigations which may connect appellant with present occurrence of murder. While concluding the argument, it is submitted that nothing can be gathered from the face of F.I.R. which may suggest that act of appellant can be said atrocities within the meaning of the Act, moreover, investigation of this case is completed, for which charge-sheet has been submitted and, 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., while opposing the prayer of bail, fairly conceded that informant is not the eye witness of the occurrence, as per F.I.R..

10. In view of the facts and circumstances, as mentioned above, as informant is not the eye witness of the occurrence, where entire allegation is based upon suspicions, let the appellant, above named, is directed to be released on bail in connection with Masaurhi P.S. Case No. 404 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 and Session Judge-III-cum-Special Judge, SC/ST Act Patna/concerned Court, subject to the conditions as laid down u/s 437(3) of the Cr.P.C.

11. Accordingly, impugned order dated 20.12.2021 is set aside.

12. Hence, appeal stands allowed.

(Chandra Shekhar Jha, J)

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