

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.743 of 2022

Arising Out of PS. Case No.-309 Year-2019 Thana- SAHPUR District- Patna

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RAMESH RAI @ RAMESH RAY @ GHUTAN RAI Son of Late Sukhadayal Rai @ Shiv Dayal Rai Resident of Village- Raghurampur Tola, Chanmari, P.S.-Shahpur, Disrict- Patna, Bihar

... .. Appellant/s

Versus

1. The State of Bihar
2. Bajarangi Manjhi Son of Rega Manjhi village-Sikandarpur Mushahari,P.S-Shehpar,District-Patna

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Prashant Kumar
For the Respondent/s : Mr. Binay Krishna

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

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| 3 | 18-08-2022 | <ol style="list-style-type: none">1. Heard learned counsel for the appellant and learned Special P.P. for the State as well as learned counsel for the respondent no.2/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, 1989 (hereinafter referred to as the “SC/ST Act”) against the refusal of prayer for bail vide order dated 15.02.2022 passed by the learned Special Judge, SC/ST(POA) Act, Patna in connection with Shahpur P.S. Case No. 309 of 2019 registered under Sections 147, 148, 149, 341, 323, |
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307, 504, 506, 379, 427 and 436 of Indian Penal Code and Section 3(1)(r) 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. The appellant is named in F.I.R. and is in custody since 10.01.2022.
6. The allegation against the appellant is to assault several persons from the side of informant and also set on fire the animal, fodder, household articles, food grains, etc. of the informant.
7. Learned counsel for the appellant submitted that allegation against the appellant is very much general and omnibus and the occurrence is nothing but caste feud between the parties, in which, large number of persons of nearby locality participated. It is also submitted that from bare perusal of FIR, it appears that there is no overt act against the appellant, which attracts atrocities within the meaning of the Act. It has further been submitted that similarly situated co-accused person has already been granted bail by one of the learned co-ordinate Bench of



this Court through Cr. Appeal (SJ) No. 3759 of 2021 dated 07.02.2022. While concluding the argument, it has been submitted that investigation has been completed, for which, charge-sheet has already been submitted in this case, 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 Respondent No.2/Informant, while opposing prayer for bail, fairly conceded the fact that the allegation against this appellant is very much general and omnibus.

10. In view of the submissions, as made above, as the allegation against this appellant is very much general and omnibus coupled with the fact that charge-sheet has already been submitted, let the appellant, above named, is directed to be released on bail in connection with Shahpur P.S. Case No. 309 of 2019 on furnishing bail bond of



Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, SC/ST(POA) Act, Patna, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C.

11. Accordingly, impugned order dated 15.02.2022 is set aside.

12. Hence, appeal stands allowed.

(Chandra Shekhar Jha, J)

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