

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.777 of 2022

Arising Out of PS. Case No.-431 Year-2021 Thana- SAUR BAZAR District- Saharsa

Rabinder Yadav @ Ravindra Yadav Son of Chulhay Yadav Resident of
Village - Pama Ward no.4, P.s.- Saur Bazar (Patarghat O.P.), Distt.- Saharsa.

... .. Appellant/s

Versus

1. The State of Bihar
2. Indu Devi W/o Ravindra Ram Resident of Village - Pama Ward no.4, P.s.-
Saur Bazar (Patarghat O.P.), Distt.- Saharsa.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Amarnath Jha, Advocate
For the State : Ms. Usha Kumari 1, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

4 21-09-2022 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 09.02.2022 passed by the learned Additional
Sessions Judge-III-cum-Special Judge, SC/ST in connection
with Saur Bazar (Patarghat O.P.) P.S. Case No. 431 of 2021
registered under Sections 341, 323, 307, 354, 504, 506 and 34 of



Indian Penal Code and Sections 3(1)(r)(s)(Wi) and 3(2)(Va) of the Act.

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

4. Learned Spl. P.P. has categorically submitted that information has already been given to the informant, in terms of the order of this Court dated 25.08.2022 through local SHO. Informant failed to join present proceeding.

5. Appellant is named in F.I.R. and is in custody since 18.11.2021.

6. The allegation against the appellant is to assault the informant and other family members by using deadly weapons as farsa, gadasa etc., with intention to cause death.

7. Learned counsel for the appellant submitted that appellant has been falsely implicated in this case due to previous long standing land dispute. It is submitted that no overt act attributed against this appellant, as per F.I.R., rather same is appearing against co-accused persons, namely, Sanjib Yadav, Sudhir Yadav and Krishna Yadav. It is further submitted that nature of injuries, which were found upon injured are simple in nature. It is submitted that nothing surfaced from bare perusal of the F.I.R., which may, on its face, suggest that the act of



appellant attract atrocities within the meaning of the Act. While concluding the argument, it is submitted that investigation in this case is complete for which chargesheet 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, fairly conceded the fact that there is no allegation against this appellant, as regard to cause injury.

10. In view of the facts and circumstances, as mentioned above, as allegation of assault is not available against this appellant 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 Saur Bazar (Patarghat O.P.) P.S. Case No. 431 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 Sessions Judge-III-cum-Special Judge, SC/ST Act, Saharsa/concerned



Court, subject to the conditions as laid down u/s 437(3) of the Cr.P.C.

11. Accordingly, impugned order dated 09.02.2022 is set aside.

12. Hence, appeal stands allowed.

(Chandra Shekhar Jha, J)

Ankit/-

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