

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.819 of 2022

Arising Out of PS. Case No.-361 Year-2020 Thana- RAMNAGAR District- West Champaran

Mukesh Patel Son of Dhruv Patel @ Dhruv Patel Resident of Village - Pakari,
Police Station - Ramnagar, District - West Champaran.

... .. Appellant/s

Versus

1. The State of Bihar
2. Nagendra Sharma Son of Late Hari Sharma Resident of Village - Pakari,
Police Station - Ramnagar, District - West Champaran.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Basist Narayan Singh
For the Respondent/s : Mr. Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 07-07-2022 Heard learned counsel for the appellant but no one
appears on behalf of the State.

At the very outset, learned counsel for the appellant submits that as the appellant belongs to a member of scheduled Castes community and as such no notice is required to go as per the mandate provided under section 15 (a)(3) of the SC/ST Prevention of Atrocities act.

The present appeal under Section 14(a) (2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, (hereinafter referred to as the SC/ST Act) preferred against the order dated 09.02.2022 passed by the learned Additional Sessions Judge -III, Bettiah, West



Champanan cum Special Judge SC/ST Act in connection with Ramnagar P.S.Case No. 361 of 2020, instituted for the offence under Sections 341,323,504,506,379/34 of the Indian Penal Code and section 3(i)(x) of SC/ST Act whereby prayer for bail of the appellant has been rejected.

As per the prosecution case, it is alleged that on 07.10.2020 altogether nine accused persons including this appellant surrounded the informant and started abusing by taking his caste name. It is alleged that the appellant was armed with an iron rod and in course of occurrence, he is handed over to accused Pramod Thakur, who assaulted the informant over his head. The learned counsel for the appellant submits that there is no overt act against the appellant, except he has handed over the iron rod to Pramod Thakur and there is nothing against him. It is next submitted that since the appellant also belongs to Scheduled Castes Community and as such there is no application of SC/ST Act. It is next submitted that this appellant is in custody since 07.01.2022, though investigation of the crime is already concluded and the charge sheet has been submitted. It is also submitted that there is land dispute between the parties, which resultant into a free fight.

Considering the submission made on behalf of the



appellant and taking into consideration the nature of accusation ,
apart from the fact the appellant is in custody since 07.01.2022,
let the above named appellant, be enlarged on bail on furnishing
bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two
sureties of the like amount each to the satisfaction of the learned
Additional Sessions Judge 1st Special Judge SC/ST Bettiah,
West Champaran in connection with Ramnagar P.S. Case No.
361 of 2020.

Accordingly, the impugned order dated 09.02.2022
is set aside and the appeal is hereby, allowed.

(Harish Kumar, J.)

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