

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.767 of 2022

Arising Out of PS. Case No.-99 Year-2021 Thana- NAUGACHIA District- Bhagalpur

LAKSHMAN KUMAR SAH S/o Late Prasadi Sah Resident of Mohalla -
Naya Tola, Ward No. -23 Naugachia, P.S. - Naugachia, District - Bhagalpur.

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. Pawan Paswan Triveni Paswan Resident of Naya Tola, P.S.-Naugachhiya,
District-Bhagalpur

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Binod Kumar Sinha, Advocate
For the Respondent/s : Mr. Sadanand Paswan, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

- 4 15-09-2022 1. Heard learned counsel for the appellant and learned
Special P.P. for the State.
2. Learned counsel for the appellant is permitted to
make necessary correction in paragraph no.1 of the
present appeal, during course of the day.
3. 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 25.01.2022
passed by the learned 3rd Additional Sessions Judge-cum-
Special Judge, SC/ST Act, Bhagalpur in connection with



Naugachia P.S. Case No. 99 of 2021 registered under Sections 341, 323, 307, 506 and 34 of Indian Penal Code and Section 3(i)(r)(s) of SC/ST Act.

4. Present appeal is well within limitation as prescribed under Section 14A(3) of the Act.
5. Notice has been issued to Respondent no.2, duly served, but failed to appear.
6. The appellant is named in F.I.R. and is in custody since 16.12.2021.
7. The allegation against the appellant is to give order to co-accused persons to assault the informant and other family members and further alleged to abuse the informant by his caste name.
8. Learned counsel for the appellant submitted that appellant has been falsely implicated in the present case, due to neighborhood disputes and differences. It is also submitted that allegation is maximum as appears from face of FIR against this appellant is of order giver, where, assault is made by other co-accused persons. It is also submitted that the nature of injuries as received by informant were found simple after medical examination and as such, it can be safely gathered that the appellant



was not under intention to cause death. It is also submitted that nothing can be gathered from the allegation as raised against this appellant, which attracts atrocities within the meaning of the Act. It is also submitted that appellant is a man of clean antecedent. 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.

9. 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*.

10. Learned Special P.P. for the State, while opposing prayer for bail, fairly conceded the fact that allegation against this appellant is limited to give order to co-accused persons to assault the informant and other family members.

11. In view of the submissions, as made above, as maximum allegation against this appellant is to give order to other co-accused persons for making assault, where,



nature of injury is simple coupled with the fact that the charge-sheet has been submitted, let the appellant, above named, is directed to be released on bail in connection with Naugachia P.S. Case No. 99 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 3rd Additional Sessions Judge-cum-Special Judge, SC/ST Act, Bhagalpur/concerned court, subject to the condition as mentioned under Section 437(3) of the Cr.P.C.

12. Accordingly, impugned order dated 25.01.2022 is set aside.

13. Hence, appeal stands allowed.

(Chandra Shekhar Jha, J)

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