

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1152 of 2022**

Arising Out of PS. Case No.-319 Year-2020 Thana- PUPRI District- Sitamarhi

Pramod Kumar Sah S/o Musahar Sah R/o village- Gauri, P.S.- Nanpur,
District- Sitamarhi

... .. Appellant/s

Versus

1. The State of Bihar
2. Mahendra Baitha S/o Late Jaleshwar Baitha Resident of Ibrahimpur Ward
No. 7, P.S.- Runni Saidpur, District- Sitamarhi

... .. Respondent/s

Appearance :

For the Appellant	:	Mr. Sanjay Kumar Tiwari, Advocate
For the State	:	Mr. Binay Krishna, Spl.P.P.
For the Informant	:	Mr. Uday Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 07-12-2022 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 22.10.2021 passed by the Ist Additional Sessions
Judge-cum-Special Judge SC/ST, Patna Sadar, District- Patna in
connection with Pupri P.S. Case No.319 of 2020 registered
under Sections 341, 323, 324, and 302/34 of the Indian Penal
Code and Section 3(1)(r)(s)(w)(1)/3(2)(v) of the Act.

3. Present appeal is well within limitation as



prescribed under Section 14A(3) of the Act.

4. It is submitted by learned Special P.P. that information has been given to the informant, in terms of the order dated 11.08.2022 about the present Court proceedings, and the informant is duly represented.

5. Appellant is named in F.I.R. and is in custody since 07.09.2021.

6. The allegation against the appellant is to commit murder of the daughter of the informant, alongwith other co-accused persons/family members due to previous enmities.

7. Learned counsel for the appellant submitted that deceased was admittedly the second wife of the appellant living in rented house, where occurrence took place. It is pointed out that the other tenant of the house, failed to identify the persons, who were found running away immediately from the place of occurrence, is sufficient to gather in itself that it was not the appellant who committed the crime. It is also pointed out that the first wife also having strained relationship with deceased and there is all probability that, she alongwith other co-accused persons might commit the murder of second wife of the appellant. It is also 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 appellant is a man of clean antecedent working as a veterinary doctor and moreover investigation in this case is complete for which chargesheet has 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. duly assisted by learned counsel appearing on behalf of informant, while opposing the prayer of the bail, submitted that, admittedly, occurrence took place in the house of the appellant, where deceased was living as wife. It is further submitted that sharp edged weapon, which was used to commit murder was recovered from the place of occurrence itself. It is also pointed out that relation of appellant with deceased/wife was also very strained, as it appears that appellant assaulted deceased on several occasions, prior to this occurrence.

10. In view of the facts and circumstances, as



mentioned above, as admittedly occurrence took place in the house of appellant, who is the husband of the deceased, this court is not inclined to grant privilege of bail to the appellant, at present.

11. Accordingly, the prayer of bail of appellant is rejected herewith.

12. The learned Trial Court is directed to conclude the trial, preferably, withing a period of 6 months from the date of receipt of this order, by taking this matter on board, on day-to-day basis, if required, failing which appellant may renew the prayer of bail, if so advised.

13. Superintendent of Police, Sitamarhi is directed to produce all the charge-sheeted witnesses, as and when directed by the learned Trial Court, so as to conclude the trial within aforesaid time period, as directed above.

(Chandra Shekhar Jha, J)

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