

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1133 of 2022**

Arising Out of PS. Case No.-177 Year-2020 Thana- GAUNAHA District- West Champaran

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Vinod Yadav Son of Brijlal Yadav Resident of Village - Lachhnauta, P. S.-
Gaunaha, District - West Champaran at Bettiah.

... .. Appellant/s

Versus

1. The State of Bihar
2. Ambika Baitha son of Late Saryug Baitha resident of village- Lachnauta,
P.S.- Gaunaha, District- West Champaran

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Umesh Chandra Verma, Advocate
For the State	:	Ms. Usha Kumari 1, Spl. PP
For the Informant	:	Mr. Manaur Alam, Advocate

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 23-11-2022 1. Heard learned counsel for the appellant, learned
Special P.P. for the State and learned counsel for the 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 (for short 'the Act') against
the order dated 15.02.2022 passed by the learned 1st Additional
Sessions Judge-cum-Special Judge, SC/ST Act, West



Champaran at Bettiah in connection with Gaunaha P.S. Case No. 177 of 2020 registered under Sections 147, 148, 380, 447, 323, 451, 504, 341, 143 and 34 of Indian Penal Code and Section 3(i)(r)(s) of the 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. Appellant is named in F.I.R. and is in custody since 23.01.2022.

6. The allegation against the appellant is to commit theft in the house of the informant, alongwith other co-accused persons, and while committing so, taken away 20 mounds of paddy worth Rs.12,000/- (Rupees Twelve Thousand) and cash of Rs.20,000/- (Rupees Twenty Thousand).

7. Learned counsel for the appellant submitted that the appellant has been falsely implicated in the present case due to neighbourhood dispute and differences. It is submitted that the alleged occurrence is of 21.12.2019, whereas the complaint was filed on 06.10.2020 i.e., after more than one year without any just explanation. It is further 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 duly assisted by learned counsel for the informant opposes the prayer of bail.

10. In view of the facts and circumstances, as mentioned above, as alleged complaint was lodged after a delay of more than a year, without having any just explanation coupled with the fact that chargesheet has been submitted, let the appellant, above named, is directed to be released on bail in connection with Gaunaha P.S. Case No. 177 of 2020 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned 1st Additional Sessions Judge-cum-Special Judge, SC/ST (POA) Act, West Champaran at Bettiah/concerned Court,



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

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

12. Hence, appeal is allowed.

(Chandra Shekhar Jha, J)

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